

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public
9 record that contains information that is exempt from
10 disclosure under this Section, but also contains information
11 that is not exempt from disclosure, the public body may elect
12 to redact the information that is exempt. The public body
13 shall make the remaining information available for inspection
14 and copying. Subject to this requirement, the following shall
15 be exempt from inspection and copying:

16 (a) Information specifically prohibited from
17 disclosure by federal or State law or rules and
18 regulations implementing federal or State law.

19 (b) Private information, unless disclosure is required
20 by another provision of this Act, a State or federal law or
21 a court order.

22 (b-5) Files, documents, and other data or databases
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or
2 more law enforcement agencies regarding the physical or
3 mental status of one or more individual subjects.

4 (c) Personal information contained within public
5 records, the disclosure of which would constitute a
6 clearly unwarranted invasion of personal privacy, unless
7 the disclosure is consented to in writing by the
8 individual subjects of the information. "Unwarranted
9 invasion of personal privacy" means the disclosure of
10 information that is highly personal or objectionable to a
11 reasonable person and in which the subject's right to
12 privacy outweighs any legitimate public interest in
13 obtaining the information. The disclosure of information
14 that bears on the public duties of public employees and
15 officials shall not be considered an invasion of personal
16 privacy.

17 (d) Records in the possession of any public body
18 created in the course of administrative enforcement
19 proceedings, and any law enforcement or correctional
20 agency for law enforcement purposes, but only to the
21 extent that disclosure would:

22 (i) interfere with pending or actually and
23 reasonably contemplated law enforcement proceedings
24 conducted by any law enforcement or correctional
25 agency that is the recipient of the request;

26 (ii) interfere with active administrative

1 enforcement proceedings conducted by the public body
2 that is the recipient of the request;

3 (iii) create a substantial likelihood that a
4 person will be deprived of a fair trial or an impartial
5 hearing;

6 (iv) unavoidably disclose the identity of a
7 confidential source, confidential information
8 furnished only by the confidential source, or persons
9 who file complaints with or provide information to
10 administrative, investigative, law enforcement, or
11 penal agencies; except that the identities of
12 witnesses to traffic crashes ~~accidents~~, traffic crash
13 ~~accident~~ reports, and rescue reports shall be provided
14 by agencies of local government, except when
15 disclosure would interfere with an active criminal
16 investigation conducted by the agency that is the
17 recipient of the request;

18 (v) disclose unique or specialized investigative
19 techniques other than those generally used and known
20 or disclose internal documents of correctional
21 agencies related to detection, observation or
22 investigation of incidents of crime or misconduct, and
23 disclosure would result in demonstrable harm to the
24 agency or public body that is the recipient of the
25 request;

26 (vi) endanger the life or physical safety of law

1 enforcement personnel or any other person; or

2 (vii) obstruct an ongoing criminal investigation
3 by the agency that is the recipient of the request.

4 (d-5) A law enforcement record created for law
5 enforcement purposes and contained in a shared electronic
6 record management system if the law enforcement agency
7 that is the recipient of the request did not create the
8 record, did not participate in or have a role in any of the
9 events which are the subject of the record, and only has
10 access to the record through the shared electronic record
11 management system.

12 (d-6) Records contained in the Officer Professional
13 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois
14 Police Training Act, except to the extent authorized under
15 that Section. This includes the documents supplied to the
16 Illinois Law Enforcement Training Standards Board from the
17 Illinois State Police and Illinois State Police Merit
18 Board.

19 (e) Records that relate to or affect the security of
20 correctional institutions and detention facilities.

21 (e-5) Records requested by persons committed to the
22 Department of Corrections, Department of Human Services
23 Division of Mental Health, or a county jail if those
24 materials are available in the library of the correctional
25 institution or facility or jail where the inmate is
26 confined.

1 (e-6) Records requested by persons committed to the
2 Department of Corrections, Department of Human Services
3 Division of Mental Health, or a county jail if those
4 materials include records from staff members' personnel
5 files, staff rosters, or other staffing assignment
6 information.

7 (e-7) Records requested by persons committed to the
8 Department of Corrections or Department of Human Services
9 Division of Mental Health if those materials are available
10 through an administrative request to the Department of
11 Corrections or Department of Human Services Division of
12 Mental Health.

13 (e-8) Records requested by a person committed to the
14 Department of Corrections, Department of Human Services
15 Division of Mental Health, or a county jail, the
16 disclosure of which would result in the risk of harm to any
17 person or the risk of an escape from a jail or correctional
18 institution or facility.

19 (e-9) Records requested by a person in a county jail
20 or committed to the Department of Corrections or
21 Department of Human Services Division of Mental Health,
22 containing personal information pertaining to the person's
23 victim or the victim's family, including, but not limited
24 to, a victim's home address, home telephone number, work
25 or school address, work telephone number, social security
26 number, or any other identifying information, except as

1 may be relevant to a requester's current or potential case
2 or claim.

3 (e-10) Law enforcement records of other persons
4 requested by a person committed to the Department of
5 Corrections, Department of Human Services Division of
6 Mental Health, or a county jail, including, but not
7 limited to, arrest and booking records, mug shots, and
8 crime scene photographs, except as these records may be
9 relevant to the requester's current or potential case or
10 claim.

11 (f) Preliminary drafts, notes, recommendations,
12 memoranda and other records in which opinions are
13 expressed, or policies or actions are formulated, except
14 that a specific record or relevant portion of a record
15 shall not be exempt when the record is publicly cited and
16 identified by the head of the public body. The exemption
17 provided in this paragraph (f) extends to all those
18 records of officers and agencies of the General Assembly
19 that pertain to the preparation of legislative documents.

20 (g) Trade secrets and commercial or financial
21 information obtained from a person or business where the
22 trade secrets or commercial or financial information are
23 furnished under a claim that they are proprietary,
24 privileged, or confidential, and that disclosure of the
25 trade secrets or commercial or financial information would
26 cause competitive harm to the person or business, and only

1 insofar as the claim directly applies to the records
2 requested.

3 The information included under this exemption includes
4 all trade secrets and commercial or financial information
5 obtained by a public body, including a public pension
6 fund, from a private equity fund or a privately held
7 company within the investment portfolio of a private
8 equity fund as a result of either investing or evaluating
9 a potential investment of public funds in a private equity
10 fund. The exemption contained in this item does not apply
11 to the aggregate financial performance information of a
12 private equity fund, nor to the identity of the fund's
13 managers or general partners. The exemption contained in
14 this item does not apply to the identity of a privately
15 held company within the investment portfolio of a private
16 equity fund, unless the disclosure of the identity of a
17 privately held company may cause competitive harm.

18 Nothing contained in this paragraph (g) shall be
19 construed to prevent a person or business from consenting
20 to disclosure.

21 (h) Proposals and bids for any contract, grant, or
22 agreement, including information which if it were
23 disclosed would frustrate procurement or give an advantage
24 to any person proposing to enter into a contractor
25 agreement with the body, until an award or final selection
26 is made. Information prepared by or for the body in

1 preparation of a bid solicitation shall be exempt until an
2 award or final selection is made.

3 (i) Valuable formulae, computer geographic systems,
4 designs, drawings and research data obtained or produced
5 by any public body when disclosure could reasonably be
6 expected to produce private gain or public loss. The
7 exemption for "computer geographic systems" provided in
8 this paragraph (i) does not extend to requests made by
9 news media as defined in Section 2 of this Act when the
10 requested information is not otherwise exempt and the only
11 purpose of the request is to access and disseminate
12 information regarding the health, safety, welfare, or
13 legal rights of the general public.

14 (j) The following information pertaining to
15 educational matters:

16 (i) test questions, scoring keys and other
17 examination data used to administer an academic
18 examination;

19 (ii) information received by a primary or
20 secondary school, college, or university under its
21 procedures for the evaluation of faculty members by
22 their academic peers;

23 (iii) information concerning a school or
24 university's adjudication of student disciplinary
25 cases, but only to the extent that disclosure would
26 unavoidably reveal the identity of the student; and

1 (iv) course materials or research materials used
2 by faculty members.

3 (k) Architects' plans, engineers' technical
4 submissions, and other construction related technical
5 documents for projects not constructed or developed in
6 whole or in part with public funds and the same for
7 projects constructed or developed with public funds,
8 including, but not limited to, power generating and
9 distribution stations and other transmission and
10 distribution facilities, water treatment facilities,
11 airport facilities, sport stadiums, convention centers,
12 and all government owned, operated, or occupied buildings,
13 but only to the extent that disclosure would compromise
14 security.

15 (l) Minutes of meetings of public bodies closed to the
16 public as provided in the Open Meetings Act until the
17 public body makes the minutes available to the public
18 under Section 2.06 of the Open Meetings Act.

19 (m) Communications between a public body and an
20 attorney or auditor representing the public body that
21 would not be subject to discovery in litigation, and
22 materials prepared or compiled by or for a public body in
23 anticipation of a criminal, civil, or administrative
24 proceeding upon the request of an attorney advising the
25 public body, and materials prepared or compiled with
26 respect to internal audits of public bodies.

1 (n) Records relating to a public body's adjudication
2 of employee grievances or disciplinary cases; however,
3 this exemption shall not extend to the final outcome of
4 cases in which discipline is imposed.

5 (o) Administrative or technical information associated
6 with automated data processing operations, including, but
7 not limited to, software, operating protocols, computer
8 program abstracts, file layouts, source listings, object
9 modules, load modules, user guides, documentation
10 pertaining to all logical and physical design of
11 computerized systems, employee manuals, and any other
12 information that, if disclosed, would jeopardize the
13 security of the system or its data or the security of
14 materials exempt under this Section.

15 (p) Records relating to collective negotiating matters
16 between public bodies and their employees or
17 representatives, except that any final contract or
18 agreement shall be subject to inspection and copying.

19 (q) Test questions, scoring keys, and other
20 examination data used to determine the qualifications of
21 an applicant for a license or employment.

22 (r) The records, documents, and information relating
23 to real estate purchase negotiations until those
24 negotiations have been completed or otherwise terminated.
25 With regard to a parcel involved in a pending or actually
26 and reasonably contemplated eminent domain proceeding

1 under the Eminent Domain Act, records, documents, and
2 information relating to that parcel shall be exempt except
3 as may be allowed under discovery rules adopted by the
4 Illinois Supreme Court. The records, documents, and
5 information relating to a real estate sale shall be exempt
6 until a sale is consummated.

7 (s) Any and all proprietary information and records
8 related to the operation of an intergovernmental risk
9 management association or self-insurance pool or jointly
10 self-administered health and accident cooperative or pool.
11 Insurance or self insurance (including any
12 intergovernmental risk management association or self
13 insurance pool) claims, loss or risk management
14 information, records, data, advice or communications.

15 (t) Information contained in or related to
16 examination, operating, or condition reports prepared by,
17 on behalf of, or for the use of a public body responsible
18 for the regulation or supervision of financial
19 institutions, insurance companies, or pharmacy benefit
20 managers, unless disclosure is otherwise required by State
21 law.

22 (u) Information that would disclose or might lead to
23 the disclosure of secret or confidential information,
24 codes, algorithms, programs, or private keys intended to
25 be used to create electronic signatures under the Uniform
26 Electronic Transactions Act.

1 (v) Vulnerability assessments, security measures, and
2 response policies or plans that are designed to identify,
3 prevent, or respond to potential attacks upon a
4 community's population or systems, facilities, or
5 installations, the destruction or contamination of which
6 would constitute a clear and present danger to the health
7 or safety of the community, but only to the extent that
8 disclosure could reasonably be expected to jeopardize the
9 effectiveness of the measures or the safety of the
10 personnel who implement them or the public. Information
11 exempt under this item may include such things as details
12 pertaining to the mobilization or deployment of personnel
13 or equipment, to the operation of communication systems or
14 protocols, or to tactical operations.

15 (w) (Blank).

16 (x) Maps and other records regarding the location or
17 security of generation, transmission, distribution,
18 storage, gathering, treatment, or switching facilities
19 owned by a utility, by a power generator, or by the
20 Illinois Power Agency.

21 (y) Information contained in or related to proposals,
22 bids, or negotiations related to electric power
23 procurement under Section 1-75 of the Illinois Power
24 Agency Act and Section 16-111.5 of the Public Utilities
25 Act that is determined to be confidential and proprietary
26 by the Illinois Power Agency or by the Illinois Commerce

1 Commission.

2 (z) Information about students exempted from
3 disclosure under Sections 10-20.38 or 34-18.29 of the
4 School Code, and information about undergraduate students
5 enrolled at an institution of higher education exempted
6 from disclosure under Section 25 of the Illinois Credit
7 Card Marketing Act of 2009.

8 (aa) Information the disclosure of which is exempted
9 under the Viatical Settlements Act of 2009.

10 (bb) Records and information provided to a mortality
11 review team and records maintained by a mortality review
12 team appointed under the Department of Juvenile Justice
13 Mortality Review Team Act.

14 (cc) Information regarding interments, entombments, or
15 inurnments of human remains that are submitted to the
16 Cemetery Oversight Database under the Cemetery Care Act or
17 the Cemetery Oversight Act, whichever is applicable.

18 (dd) Correspondence and records (i) that may not be
19 disclosed under Section 11-9 of the Illinois Public Aid
20 Code or (ii) that pertain to appeals under Section 11-8 of
21 the Illinois Public Aid Code.

22 (ee) The names, addresses, or other personal
23 information of persons who are minors and are also
24 participants and registrants in programs of park
25 districts, forest preserve districts, conservation
26 districts, recreation agencies, and special recreation

1 associations.

2 (ff) The names, addresses, or other personal
3 information of participants and registrants in programs of
4 park districts, forest preserve districts, conservation
5 districts, recreation agencies, and special recreation
6 associations where such programs are targeted primarily to
7 minors.

8 (gg) Confidential information described in Section
9 1-100 of the Illinois Independent Tax Tribunal Act of
10 2012.

11 (hh) The report submitted to the State Board of
12 Education by the School Security and Standards Task Force
13 under item (8) of subsection (d) of Section 2-3.160 of the
14 School Code and any information contained in that report.

15 (ii) Records requested by persons committed to or
16 detained by the Department of Human Services under the
17 Sexually Violent Persons Commitment Act or committed to
18 the Department of Corrections under the Sexually Dangerous
19 Persons Act if those materials: (i) are available in the
20 library of the facility where the individual is confined;
21 (ii) include records from staff members' personnel files,
22 staff rosters, or other staffing assignment information;
23 or (iii) are available through an administrative request
24 to the Department of Human Services or the Department of
25 Corrections.

26 (jj) Confidential information described in Section

1 5-535 of the Civil Administrative Code of Illinois.

2 (kk) The public body's credit card numbers, debit card
3 numbers, bank account numbers, Federal Employer
4 Identification Number, security code numbers, passwords,
5 and similar account information, the disclosure of which
6 could result in identity theft or impression or defrauding
7 of a governmental entity or a person.

8 (ll) Records concerning the work of the threat
9 assessment team of a school district.

10 (1.5) Any information exempt from disclosure under the
11 Judicial Privacy Act shall be redacted from public records
12 prior to disclosure under this Act.

13 (2) A public record that is not in the possession of a
14 public body but is in the possession of a party with whom the
15 agency has contracted to perform a governmental function on
16 behalf of the public body, and that directly relates to the
17 governmental function and is not otherwise exempt under this
18 Act, shall be considered a public record of the public body,
19 for purposes of this Act.

20 (3) This Section does not authorize withholding of
21 information or limit the availability of records to the
22 public, except as stated in this Section or otherwise provided
23 in this Act.

24 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
25 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
26 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

1 Section 10. The State Employee Indemnification Act is
2 amended by changing Section 2 as follows:

3 (5 ILCS 350/2) (from Ch. 127, par. 1302)

4 Sec. 2. Representation and indemnification of State
5 employees.

6 (a) In the event that any civil proceeding is commenced
7 against any State employee arising out of any act or omission
8 occurring within the scope of the employee's State employment,
9 the Attorney General shall, upon timely and appropriate notice
10 to him by such employee, appear on behalf of such employee and
11 defend the action. In the event that any civil proceeding is
12 commenced against any physician who is an employee of the
13 Department of Corrections or the Department of Human Services
14 (in a position relating to the Department's mental health and
15 developmental disabilities functions) alleging death or bodily
16 injury or other injury to the person of the complainant
17 resulting from and arising out of any act or omission
18 occurring on or after December 3, 1977 within the scope of the
19 employee's State employment, or against any physician who is
20 an employee of the Department of Veterans' Affairs alleging
21 death or bodily injury or other injury to the person of the
22 complainant resulting from and arising out of any act or
23 omission occurring on or after the effective date of this
24 amendatory Act of 1988 within the scope of the employee's

1 State employment, or in the event that any civil proceeding is
2 commenced against any attorney who is an employee of the State
3 Appellate Defender alleging legal malpractice or for other
4 damages resulting from and arising out of any legal act or
5 omission occurring on or after December 3, 1977, within the
6 scope of the employee's State employment, or in the event that
7 any civil proceeding is commenced against any individual or
8 organization who contracts with the Department of Labor to
9 provide services as a carnival and amusement ride safety
10 inspector alleging malpractice, death or bodily injury or
11 other injury to the person arising out of any act or omission
12 occurring on or after May 1, 1985, within the scope of that
13 employee's State employment, the Attorney General shall, upon
14 timely and appropriate notice to him by such employee, appear
15 on behalf of such employee and defend the action. Any such
16 notice shall be in writing, shall be mailed within 15 days
17 after the date of receipt by the employee of service of
18 process, and shall authorize the Attorney General to represent
19 and defend the employee in the proceeding. The giving of this
20 notice to the Attorney General shall constitute an agreement
21 by the State employee to cooperate with the Attorney General
22 in his defense of the action and a consent that the Attorney
23 General shall conduct the defense as he deems advisable and in
24 the best interests of the employee, including settlement in
25 the Attorney General's discretion. In any such proceeding, the
26 State shall pay the court costs and litigation expenses of

1 defending such action, to the extent approved by the Attorney
2 General as reasonable, as they are incurred.

3 (b) In the event that the Attorney General determines that
4 so appearing and defending an employee either (1) involves an
5 actual or potential conflict of interest, or (2) that the act
6 or omission which gave rise to the claim was not within the
7 scope of the employee's State employment or was intentional,
8 wilful or wanton misconduct, the Attorney General shall
9 decline in writing to appear or defend or shall promptly take
10 appropriate action to withdraw as attorney for such employee.
11 Upon receipt of such declination or upon such withdrawal by
12 the Attorney General on the basis of an actual or potential
13 conflict of interest, the State employee may employ his own
14 attorney to appear and defend, in which event the State shall
15 pay the employee's court costs, litigation expenses and
16 attorneys' fees to the extent approved by the Attorney General
17 as reasonable, as they are incurred. In the event that the
18 Attorney General declines to appear or withdraws on the
19 grounds that the act or omission was not within the scope of
20 employment, or was intentional, wilful or wanton misconduct,
21 and a court or jury finds that the act or omission of the State
22 employee was within the scope of employment and was not
23 intentional, wilful or wanton misconduct, the State shall
24 indemnify the State employee for any damages awarded and court
25 costs and attorneys' fees assessed as part of any final and
26 unreversed judgment. In such event the State shall also pay

1 the employee's court costs, litigation expenses and attorneys'
2 fees to the extent approved by the Attorney General as
3 reasonable.

4 In the event that the defendant in the proceeding is an
5 elected State official, including members of the General
6 Assembly, the elected State official may retain his or her
7 attorney, provided that said attorney shall be reasonably
8 acceptable to the Attorney General. In such case the State
9 shall pay the elected State official's court costs, litigation
10 expenses, and attorneys' fees, to the extent approved by the
11 Attorney General as reasonable, as they are incurred.

12 (b-5) The Attorney General may file a counterclaim on
13 behalf of a State employee, provided:

14 (1) the Attorney General determines that the State
15 employee is entitled to representation in a civil action
16 under this Section;

17 (2) the counterclaim arises out of any act or omission
18 occurring within the scope of the employee's State
19 employment that is the subject of the civil action; and

20 (3) the employee agrees in writing that if judgment is
21 entered in favor of the employee, the amount of the
22 judgment shall be applied to offset any judgment that may
23 be entered in favor of the plaintiff, and then to
24 reimburse the State treasury for court costs and
25 litigation expenses required to pursue the counterclaim.
26 The balance of the collected judgment shall be paid to the

1 State employee.

2 (c) Notwithstanding any other provision of this Section,
3 representation and indemnification of a judge under this Act
4 shall also be provided in any case where the plaintiff seeks
5 damages or any equitable relief as a result of any decision,
6 ruling or order of a judge made in the course of his or her
7 judicial or administrative duties, without regard to the
8 theory of recovery employed by the plaintiff. Indemnification
9 shall be for all damages awarded and all court costs, attorney
10 fees and litigation expenses assessed against the judge. When
11 a judge has been convicted of a crime as a result of his or her
12 intentional judicial misconduct in a trial, that judge shall
13 not be entitled to indemnification and representation under
14 this subsection in any case maintained by a party who seeks
15 damages or other equitable relief as a direct result of the
16 judge's intentional judicial misconduct.

17 (d) In any such proceeding where notice in accordance with
18 this Section has been given to the Attorney General, unless
19 the court or jury finds that the conduct or inaction which gave
20 rise to the claim or cause of action was intentional, wilful or
21 wanton misconduct and was not intended to serve or benefit
22 interests of the State, the State shall indemnify the State
23 employee for any damages awarded and court costs and
24 attorneys' fees assessed as part of any final and unreversed
25 judgment, or shall pay such judgment. Unless the Attorney
26 General determines that the conduct or inaction which gave

1 rise to the claim or cause of action was intentional, wilful or
2 wanton misconduct and was not intended to serve or benefit
3 interests of the State, the case may be settled, in the
4 Attorney General's discretion and with the employee's consent,
5 and the State shall indemnify the employee for any damages,
6 court costs and attorneys' fees agreed to as part of the
7 settlement, or shall pay such settlement. Where the employee
8 is represented by private counsel, any settlement must be so
9 approved by the Attorney General and the court having
10 jurisdiction, which shall obligate the State to indemnify the
11 employee.

12 (e) (i) Court costs and litigation expenses and other
13 costs of providing a defense or counterclaim, including
14 attorneys' fees obligated under this Section, shall be paid
15 from the State Treasury on the warrant of the Comptroller out
16 of appropriations made to the Department of Central Management
17 Services specifically designed for the payment of costs, fees
18 and expenses covered by this Section.

19 (ii) Upon entry of a final judgment against the employee,
20 or upon the settlement of the claim, the employee shall cause
21 to be served a copy of such judgment or settlement, personally
22 or by certified or registered mail within thirty days of the
23 date of entry or settlement, upon the chief administrative
24 officer of the department, office or agency in which he is
25 employed. If not inconsistent with the provisions of this
26 Section, such judgment or settlement shall be certified for

1 payment by such chief administrative officer and by the
2 Attorney General. The judgment or settlement shall be paid
3 from the State Treasury on the warrant of the Comptroller out
4 of appropriations made to the Department of Central Management
5 Services specifically designed for the payment of claims
6 covered by this Section.

7 (f) Nothing contained or implied in this Section shall
8 operate, or be construed or applied, to deprive the State, or
9 any employee thereof, of any defense heretofore available.

10 (g) This Section shall apply regardless of whether the
11 employee is sued in his or her individual or official
12 capacity.

13 (h) This Section shall not apply to claims for bodily
14 injury or damage to property arising from motor vehicle
15 crashes ~~accidents~~.

16 (i) This Section shall apply to all proceedings filed on
17 or after its effective date, and to any proceeding pending on
18 its effective date, if the State employee gives notice to the
19 Attorney General as provided in this Section within 30 days of
20 the Act's effective date.

21 (j) The amendatory changes made to this Section by this
22 amendatory Act of 1986 shall apply to all proceedings filed on
23 or after the effective date of this amendatory Act of 1986 and
24 to any proceeding pending on its effective date, if the State
25 employee gives notice to the Attorney General as provided in
26 this Section within 30 days of the effective date of this

1 amendatory Act of 1986.

2 (k) This Act applies to all State officials who are
3 serving as trustees, or their appointing authorities, of a
4 clean energy community trust or as members of a not-for-profit
5 foundation or corporation established pursuant to Section
6 16-111.1 of the Public Utilities Act.

7 (l) The State shall not provide representation for, nor
8 shall it indemnify, any State employee in (i) any criminal
9 proceeding in which the employee is a defendant or (ii) any
10 criminal investigation in which the employee is the target.
11 Nothing in this Act shall be construed to prohibit the State
12 from providing representation to a State employee who is a
13 witness in a criminal matter arising out of that employee's
14 State employment.

15 (Source: P.A. 99-461, eff. 1-1-17.)

16 Section 15. The Illinois Identification Card Act is
17 amended by changing Section 11A as follows:

18 (15 ILCS 335/11A)

19 Sec. 11A. Emergency contact database.

20 (a) The Secretary of State shall establish a database of
21 the emergency contacts of persons who hold identification
22 cards. Information in the database shall be accessible only to
23 employees of the Office of the Secretary and law enforcement
24 officers employed by a law enforcement agency. Law enforcement

1 officers may share information contained in the emergency
2 contact database, including disabilities and special needs
3 information, with other public safety workers on scene, as
4 needed to conduct official law enforcement duties.

5 (b) Any person holding an identification card shall be
6 afforded the opportunity to provide the Secretary of State, in
7 a manner and form designated by the Secretary of State, the
8 name, address, telephone number, and relationship to the
9 holder of no more than 2 emergency contact persons whom the
10 holder wishes to be contacted by a law enforcement officer if
11 the holder is involved in a motor vehicle crash ~~accident~~ or
12 other emergency situation and the holder is unable to
13 communicate with the contact person or persons and may
14 designate whether the holder has a disability or is a special
15 needs individual. A contact person need not be the holder's
16 next of kin.

17 (c) The Secretary shall adopt rules to implement this
18 Section. At a minimum, the rules shall address all of the
19 following:

20 (1) the method whereby a holder may provide the
21 Secretary of State with emergency contact, disability, and
22 special needs information;

23 (2) the method whereby a holder may provide the
24 Secretary of State with a change to the emergency contact,
25 disability, and special needs information; and

26 (3) any other aspect of the database or its operation

1 that the Secretary determines is necessary to implement
2 this Section.

3 (d) If a person involved in a motor vehicle crash ~~accident~~
4 or other emergency situation is unable to communicate with the
5 contact person or persons specified in the database, a law
6 enforcement officer shall make a good faith effort to notify
7 the contact person or persons of the situation. Neither the
8 law enforcement officer nor the law enforcement agency that
9 employs that law enforcement officer incurs any liability,
10 however, if the law enforcement officer is not able to make
11 contact with the contact person. Except for willful or wanton
12 misconduct, neither the law enforcement officer, nor the law
13 enforcement agency that employs the law enforcement officer,
14 shall incur any liability relating to the reporting or use of
15 the database during a motor vehicle crash ~~accident~~ or other
16 emergency situation.

17 (e) The Secretary of State shall make a good faith effort
18 to maintain accurate data as provided by the identification
19 card holder and to provide that information to law enforcement
20 as provided in subsection (a). The Secretary of State is not
21 liable for any damages, costs, or expenses, including, without
22 limitation, consequential damages, arising or resulting from
23 any inaccurate or incomplete data or system unavailability.
24 Except for willful or wanton misconduct, the Secretary of
25 State shall not incur any liability relating to the reporting
26 of disabilities or special needs individuals.

1 (f) As used in this Section:

2 "Disability" means an individual's physical or mental
3 impairment that substantially limits one or more of the major
4 life activities; a record of such impairment; or when the
5 individual is regarded as having such impairment.

6 "Public safety worker" means a person employed by this
7 State or a political subdivision thereof that provides
8 firefighting, law enforcement, medical, or other emergency
9 services.

10 "Special needs individuals" means those individuals who
11 have or are at increased risk for a chronic physical,
12 developmental, behavioral, or emotional condition and who also
13 require health and related services of a type or amount beyond
14 that required by individuals generally.

15 (Source: P.A. 95-898, eff. 7-1-09; 96-1168, eff. 1-1-11.)

16 Section 20. The Department of Transportation Law of the
17 Civil Administrative Code of Illinois is amended by changing
18 Sections 2705-210 and 2705-317 as follows:

19 (20 ILCS 2705/2705-210) (was 20 ILCS 2705/49.15)

20 Sec. 2705-210. Traffic control and prevention of crashes
21 ~~accidents~~. The Department has the power to develop,
22 consolidate, and coordinate effective programs and activities
23 for the advancement of driver education, for the facilitation
24 of the movement of motor vehicle traffic, and for the

1 protection and conservation of life and property on the
2 streets and highways of this State and to advise, recommend,
3 and consult with the several departments, divisions, boards,
4 commissions, and other agencies of this State in regard to
5 those programs and activities. The Department has the power to
6 aid and assist the counties, cities, towns, and other
7 political subdivisions of this State in the control of traffic
8 and the prevention of traffic crashes ~~accidents~~. That aid and
9 assistance to counties, cities, towns, and other political
10 subdivisions of this State shall include assistance with
11 regard to planning, traffic flow, light synchronizing,
12 preferential lanes for carpools, and carpool parking
13 allocations.

14 To further the prevention of crashes ~~accidents~~, the
15 Department shall conduct a traffic study following the
16 occurrence of any crash ~~accident~~ involving a pedestrian
17 fatality that occurs at an intersection of a State highway.
18 The study shall include, but not be limited to, consideration
19 of alternative geometric design improvements, traffic control
20 devices, and any other improvements that the Department deems
21 necessary. The Department shall make the results of the study
22 available to the public on its website.

23 (Source: P.A. 102-333, eff. 1-1-22.)

24 (20 ILCS 2705/2705-317)

25 Sec. 2705-317. Safe Routes to School Construction Program.

1 (a) Upon enactment of a federal transportation bill with a
2 dedicated fund available to states for safe routes to schools,
3 the Department, in cooperation with the State Board of
4 Education and the Illinois State Police, shall establish and
5 administer a Safe Routes to School Construction Program for
6 the construction of bicycle and pedestrian safety and
7 traffic-calming projects using the federal Safe Routes to
8 Schools Program funds.

9 (b) The Department shall make construction grants
10 available to local governmental agencies under the Safe Routes
11 to School Construction Program based on the results of a
12 statewide competition that requires submission of Safe Routes
13 to School proposals for funding and that rates those proposals
14 on all of the following factors:

15 (1) Demonstrated needs of the grant applicant.

16 (2) Potential of the proposal for reducing child
17 injuries and fatalities.

18 (3) Potential of the proposal for encouraging
19 increased walking and bicycling among students.

20 (4) Identification of safety hazards.

21 (5) Identification of current and potential walking
22 and bicycling routes to school.

23 (6) Consultation and support for projects by
24 school-based associations, local traffic engineers, local
25 elected officials, law enforcement agencies, and school
26 officials.

1 (7) Proximity to parks and other recreational
2 facilities.

3 With respect to the use of federal Safe Routes to Schools
4 Program funds, prior to the award of a construction grant or
5 the use of those funds for a Safe Routes to School project
6 encompassing a highway, the Department shall consult with and
7 obtain approval from the Illinois State Police and the highway
8 authority with jurisdiction to ensure that the Safe Routes to
9 School proposal is consistent with a statewide pedestrian
10 safety statistical analysis.

11 (c) On March 30, 2006 and each March 30th thereafter, the
12 Department shall submit a report to the General Assembly
13 listing and describing the projects funded under the Safe
14 Routes to School Construction Program.

15 (d) The Department shall study the effectiveness of the
16 Safe Routes to School Construction Program, with particular
17 emphasis on the Program's effectiveness in reducing traffic
18 crashes ~~accidents~~ and its contribution to improving safety and
19 reducing the number of child injuries and fatalities in the
20 vicinity of a Safe Routes to School project. The Department
21 shall submit a report to the General Assembly on or before
22 December 31, 2006 regarding the results of the study.

23 (e) The Department, the State Board of Education, and the
24 Illinois State Police may adopt any rules necessary to
25 implement this Section.

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 Section 25. The Peace Officer Fire Investigation Act is
2 amended by changing Section 1 as follows:

3 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

4 Sec. 1. Peace officer status.

5 (a) Any person who is a sworn member of any organized and
6 paid fire department of a political subdivision of this State
7 and is authorized to investigate fires or explosions for such
8 political subdivision and to determine the cause, origin and
9 circumstances of fires or explosions that are suspected to be
10 arson or arson-related crimes, may be classified as a peace
11 officer by the political subdivision or agency employing such
12 person. A person so classified shall possess the same powers
13 of arrest, search and seizure and the securing and service of
14 warrants as sheriffs of counties, and police officers within
15 the jurisdiction of their political subdivision. While in the
16 actual investigation and matters incident thereto, such person
17 may carry weapons as may be necessary, but only if that person
18 has satisfactorily completed (1) a training program offered or
19 approved by the Illinois Law Enforcement Training Standards
20 Board which substantially conforms to standards promulgated
21 pursuant to the Illinois Police Training Act and the Peace
22 Officer and Probation Officer Firearm Training Act; and (2) a
23 course in fire and arson investigation approved by the Office
24 of the State Fire Marshal pursuant to the Illinois Fire

1 Protection Training Act. Such training need not include
2 exposure to vehicle and traffic law, traffic control and crash
3 ~~accident~~ investigation, or first aid, but shall include
4 training in the law relating to the rights of persons
5 suspected of involvement in criminal activities.

6 Any person granted the powers enumerated in this
7 subsection (a) may exercise such powers only during the actual
8 investigation of the cause, origin and circumstances of such
9 fires or explosions that are suspected to be arson or
10 arson-related crimes.

11 (b) Persons employed by the Office of the State Fire
12 Marshal to conduct arson investigations shall be designated
13 State Fire Marshal Arson Investigator Special Agents and shall
14 be peace officers with all of the powers of peace officers in
15 cities and sheriffs in counties, except that they may exercise
16 those powers throughout the State. These Special Agents may
17 exercise these powers only when engaging in official duties
18 during the actual investigation of the cause, origin, and
19 circumstances of such fires or explosions that are suspected
20 to be arson or arson-related crimes and may carry weapons at
21 all times, but only if they have satisfactorily completed (1)
22 a training course approved by the Illinois Law Enforcement
23 Training Standards Board that substantially conforms to the
24 standards promulgated pursuant to the Peace Officer and
25 Probation Officer Firearm Training Act and (2) a course in
26 fire and arson investigation approved by the Office of the

1 State Fire Marshal pursuant to the Illinois Fire Protection
2 Training Act. Such training need not include exposure to
3 vehicle and traffic law, traffic control and crash ~~accident~~
4 investigation, or first aid, but shall include training in the
5 law relating to the rights of persons suspected of involvement
6 in criminal activities.

7 For purposes of this subsection (b), a "State Fire Marshal
8 Arson Investigator Special Agent" does not include any fire
9 investigator, fireman, police officer, or other employee of
10 the federal government; any fire investigator, fireman, police
11 officer, or other employee of any unit of local government; or
12 any fire investigator, fireman, police officer, or other
13 employee of the State of Illinois other than an employee of the
14 Office of the State Fire Marshal assigned to investigate
15 arson.

16 The State Fire Marshal must authorize to each employee of
17 the Office of the State Fire Marshal who is exercising the
18 powers of a peace officer a distinct badge that, on its face,
19 (i) clearly states that the badge is authorized by the Office
20 of the State Fire Marshal and (ii) contains a unique
21 identifying number. No other badge shall be authorized by the
22 Office of the State Fire Marshal, except that a badge,
23 different from the badge issued to peace officers, may be
24 authorized by the Office of the State Fire Marshal for the use
25 of fire prevention inspectors employed by that Office. Nothing
26 in this subsection prohibits the State Fire Marshal from

1 issuing shields or other distinctive identification to
2 employees not exercising the powers of a peace officer if the
3 State Fire Marshal determines that a shield or distinctive
4 identification is needed by the employee to carry out his or
5 her responsibilities.

6 (c) The Office of the State Fire Marshal shall establish a
7 policy to allow a State Fire Marshal Arson Investigator
8 Special Agent who is honorably retiring or separating in good
9 standing to purchase either one or both of the following: (i)
10 any badge previously issued to that State Fire Marshal Arson
11 Investigator Special Agent; or (ii) if the State Fire Marshal
12 Arson Investigator Special Agent has a currently valid Firearm
13 Owner's Identification Card, the service firearm issued or
14 previously issued to the State Fire Marshal Arson Investigator
15 Special Agent by the Office of the State Fire Marshal. The cost
16 of the firearm purchased shall be the replacement value of the
17 firearm and not the firearm's fair market value. All funds
18 received by the agency under this program shall be deposited
19 into the Fire Prevention Fund.

20 (Source: P.A. 100-931, eff. 8-17-18.)

21 Section 29. The Illinois Pension Code is amended by
22 changing Section 1-108 as follows:

23 (40 ILCS 5/1-108) (from Ch. 108 1/2, par. 1-108)

24 Sec. 1-108. (a) In any proceeding commenced against an

1 employee of a pension fund, alleging a civil wrong arising out
2 of any act or omission occurring within the scope of the
3 employee's pension fund employment, unless the court or the
4 jury finds that the conduct which gave rise to the claim was
5 intentional, wilful or wanton misconduct, the pension fund
6 shall indemnify the employee for any damages awarded and court
7 costs and attorneys' fees assessed as part of any final and
8 unreversed judgment and any attorneys' fees, court costs and
9 litigation expenses incurred by the employee in defending the
10 claim. In any such proceeding if a majority of the board or
11 trustees who are not a party to the action determine that the
12 conduct which gave rise to the claim was not intentional,
13 wilful or wanton misconduct, the board or trustees may agree
14 to settlement of the proceeding and the pension fund shall
15 indemnify the employee for any damages, court costs and
16 attorneys' fees agreed to as part of the settlement and any
17 attorneys' fees, court costs and litigation expenses incurred
18 in defending the claim.

19 (b) No employee of a pension fund shall be entitled to
20 indemnification under this Section unless within 15 days after
21 receipt by the employee of service of process, he shall give
22 written notice of such proceeding to the pension fund.

23 (c) Each pension fund may insure against loss or liability
24 of employees which may arise as a result of these claims. This
25 insurance shall be carried by a company authorized to provide
26 such coverage in this State.

1 (d) Nothing contained or implied in this Section shall
2 operate, or be construed or applied, to deprive the State or a
3 pension fund, or any other employee thereof, of any immunity
4 or any defense heretofore available.

5 (e) This Section shall apply regardless of whether the
6 employee is sued in his or her individual or official
7 capacity.

8 (f) This Section shall not apply to claims for bodily
9 injury or damage to property arising from motor vehicle
10 crashes ~~accidents~~.

11 (g) This Section shall apply to all proceedings filed on
12 or after its effective date, and to any proceeding pending on
13 its effective date, if the pension fund employee gives notice
14 to the pension fund within 30 days of the Act's effective date.
15 (Source: P.A. 80-1078.)

16 Section 30. The Illinois Police Training Act is amended by
17 changing Section 7 as follows:

18 (50 ILCS 705/7)

19 (Text of Section before amendment by P.A. 102-345)

20 Sec. 7. Rules and standards for schools. The Board shall
21 adopt rules and minimum standards for such schools which shall
22 include, but not be limited to, the following:

23 a. The curriculum for probationary law enforcement
24 officers which shall be offered by all certified schools

1 shall include, but not be limited to, courses of
2 procedural justice, arrest and use and control tactics,
3 search and seizure, including temporary questioning, civil
4 rights, human rights, human relations, cultural
5 competency, including implicit bias and racial and ethnic
6 sensitivity, criminal law, law of criminal procedure,
7 constitutional and proper use of law enforcement
8 authority, crisis intervention training, vehicle and
9 traffic law including uniform and non-discriminatory
10 enforcement of the Illinois Vehicle Code, traffic control
11 and crash ~~accident~~ investigation, techniques of obtaining
12 physical evidence, court testimonies, statements, reports,
13 firearms training, training in the use of electronic
14 control devices, including the psychological and
15 physiological effects of the use of those devices on
16 humans, first-aid (including cardiopulmonary
17 resuscitation), training in the administration of opioid
18 antagonists as defined in paragraph (1) of subsection (e)
19 of Section 5-23 of the Substance Use Disorder Act,
20 handling of juvenile offenders, recognition of mental
21 conditions and crises, including, but not limited to, the
22 disease of addiction, which require immediate assistance
23 and response and methods to safeguard and provide
24 assistance to a person in need of mental treatment,
25 recognition of abuse, neglect, financial exploitation, and
26 self-neglect of adults with disabilities and older adults,

1 as defined in Section 2 of the Adult Protective Services
2 Act, crimes against the elderly, law of evidence, the
3 hazards of high-speed police vehicle chases with an
4 emphasis on alternatives to the high-speed chase, and
5 physical training. The curriculum shall include specific
6 training in techniques for immediate response to and
7 investigation of cases of domestic violence and of sexual
8 assault of adults and children, including cultural
9 perceptions and common myths of sexual assault and sexual
10 abuse as well as interview techniques that are age
11 sensitive and are trauma informed, victim centered, and
12 victim sensitive. The curriculum shall include training in
13 techniques designed to promote effective communication at
14 the initial contact with crime victims and ways to
15 comprehensively explain to victims and witnesses their
16 rights under the Rights of Crime Victims and Witnesses Act
17 and the Crime Victims Compensation Act. The curriculum
18 shall also include training in effective recognition of
19 and responses to stress, trauma, and post-traumatic stress
20 experienced by law enforcement officers that is consistent
21 with Section 25 of the Illinois Mental Health First Aid
22 Training Act in a peer setting, including recognizing
23 signs and symptoms of work-related cumulative stress,
24 issues that may lead to suicide, and solutions for
25 intervention with peer support resources. The curriculum
26 shall include a block of instruction addressing the

1 mandatory reporting requirements under the Abused and
2 Neglected Child Reporting Act. The curriculum shall also
3 include a block of instruction aimed at identifying and
4 interacting with persons with autism and other
5 developmental or physical disabilities, reducing barriers
6 to reporting crimes against persons with autism, and
7 addressing the unique challenges presented by cases
8 involving victims or witnesses with autism and other
9 developmental disabilities. The curriculum shall include
10 training in the detection and investigation of all forms
11 of human trafficking. The curriculum shall also include
12 instruction in trauma-informed responses designed to
13 ensure the physical safety and well-being of a child of an
14 arrested parent or immediate family member; this
15 instruction must include, but is not limited to: (1)
16 understanding the trauma experienced by the child while
17 maintaining the integrity of the arrest and safety of
18 officers, suspects, and other involved individuals; (2)
19 de-escalation tactics that would include the use of force
20 when reasonably necessary; and (3) inquiring whether a
21 child will require supervision and care. The curriculum
22 for probationary law enforcement officers shall include:
23 (1) at least 12 hours of hands-on, scenario-based
24 role-playing; (2) at least 6 hours of instruction on use
25 of force techniques, including the use of de-escalation
26 techniques to prevent or reduce the need for force

1 whenever safe and feasible; (3) specific training on
2 officer safety techniques, including cover, concealment,
3 and time; and (4) at least 6 hours of training focused on
4 high-risk traffic stops. The curriculum for permanent law
5 enforcement officers shall include, but not be limited to:
6 (1) refresher and in-service training in any of the
7 courses listed above in this subparagraph, (2) advanced
8 courses in any of the subjects listed above in this
9 subparagraph, (3) training for supervisory personnel, and
10 (4) specialized training in subjects and fields to be
11 selected by the board. The training in the use of
12 electronic control devices shall be conducted for
13 probationary law enforcement officers, including
14 University police officers.

15 b. Minimum courses of study, attendance requirements
16 and equipment requirements.

17 c. Minimum requirements for instructors.

18 d. Minimum basic training requirements, which a
19 probationary law enforcement officer must satisfactorily
20 complete before being eligible for permanent employment as
21 a local law enforcement officer for a participating local
22 governmental or State governmental agency. Those
23 requirements shall include training in first aid
24 (including cardiopulmonary resuscitation).

25 e. Minimum basic training requirements, which a
26 probationary county corrections officer must

1 satisfactorily complete before being eligible for
2 permanent employment as a county corrections officer for a
3 participating local governmental agency.

4 f. Minimum basic training requirements which a
5 probationary court security officer must satisfactorily
6 complete before being eligible for permanent employment as
7 a court security officer for a participating local
8 governmental agency. The Board shall establish those
9 training requirements which it considers appropriate for
10 court security officers and shall certify schools to
11 conduct that training.

12 A person hired to serve as a court security officer
13 must obtain from the Board a certificate (i) attesting to
14 the officer's successful completion of the training
15 course; (ii) attesting to the officer's satisfactory
16 completion of a training program of similar content and
17 number of hours that has been found acceptable by the
18 Board under the provisions of this Act; or (iii) attesting
19 to the Board's determination that the training course is
20 unnecessary because of the person's extensive prior law
21 enforcement experience.

22 Individuals who currently serve as court security
23 officers shall be deemed qualified to continue to serve in
24 that capacity so long as they are certified as provided by
25 this Act within 24 months of June 1, 1997 (the effective
26 date of Public Act 89-685). Failure to be so certified,

1 absent a waiver from the Board, shall cause the officer to
2 forfeit his or her position.

3 All individuals hired as court security officers on or
4 after June 1, 1997 (the effective date of Public Act
5 89-685) shall be certified within 12 months of the date of
6 their hire, unless a waiver has been obtained by the
7 Board, or they shall forfeit their positions.

8 The Sheriff's Merit Commission, if one exists, or the
9 Sheriff's Office if there is no Sheriff's Merit
10 Commission, shall maintain a list of all individuals who
11 have filed applications to become court security officers
12 and who meet the eligibility requirements established
13 under this Act. Either the Sheriff's Merit Commission, or
14 the Sheriff's Office if no Sheriff's Merit Commission
15 exists, shall establish a schedule of reasonable intervals
16 for verification of the applicants' qualifications under
17 this Act and as established by the Board.

18 g. Minimum in-service training requirements, which a
19 law enforcement officer must satisfactorily complete every
20 3 years. Those requirements shall include constitutional
21 and proper use of law enforcement authority, procedural
22 justice, civil rights, human rights, reporting child abuse
23 and neglect, and cultural competency, including implicit
24 bias and racial and ethnic sensitivity. These trainings
25 shall consist of at least 30 hours of training every 3
26 years.

1 h. Minimum in-service training requirements, which a
2 law enforcement officer must satisfactorily complete at
3 least annually. Those requirements shall include law
4 updates, emergency medical response training and
5 certification, crisis intervention training, and officer
6 wellness and mental health.

7 i. Minimum in-service training requirements as set
8 forth in Section 10.6.

9 The amendatory changes to this Section made by Public Act
10 101-652 shall take effect January 1, 2022.

11 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
12 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
13 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
14 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
15 1-1-22; 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; revised
16 10-5-21.)

17 (Text of Section after amendment by P.A. 102-345)

18 Sec. 7. Rules and standards for schools. The Board shall
19 adopt rules and minimum standards for such schools which shall
20 include, but not be limited to, the following:

21 a. The curriculum for probationary law enforcement
22 officers which shall be offered by all certified schools
23 shall include, but not be limited to, courses of
24 procedural justice, arrest and use and control tactics,
25 search and seizure, including temporary questioning, civil

1 rights, human rights, human relations, cultural
2 competency, including implicit bias and racial and ethnic
3 sensitivity, criminal law, law of criminal procedure,
4 constitutional and proper use of law enforcement
5 authority, crisis intervention training, vehicle and
6 traffic law including uniform and non-discriminatory
7 enforcement of the Illinois Vehicle Code, traffic control
8 and crash ~~accident~~ investigation, techniques of obtaining
9 physical evidence, court testimonies, statements, reports,
10 firearms training, training in the use of electronic
11 control devices, including the psychological and
12 physiological effects of the use of those devices on
13 humans, first-aid (including cardiopulmonary
14 resuscitation), training in the administration of opioid
15 antagonists as defined in paragraph (1) of subsection (e)
16 of Section 5-23 of the Substance Use Disorder Act,
17 handling of juvenile offenders, recognition of mental
18 conditions and crises, including, but not limited to, the
19 disease of addiction, which require immediate assistance
20 and response and methods to safeguard and provide
21 assistance to a person in need of mental treatment,
22 recognition of abuse, neglect, financial exploitation, and
23 self-neglect of adults with disabilities and older adults,
24 as defined in Section 2 of the Adult Protective Services
25 Act, crimes against the elderly, law of evidence, the
26 hazards of high-speed police vehicle chases with an

1 emphasis on alternatives to the high-speed chase, and
2 physical training. The curriculum shall include specific
3 training in techniques for immediate response to and
4 investigation of cases of domestic violence and of sexual
5 assault of adults and children, including cultural
6 perceptions and common myths of sexual assault and sexual
7 abuse as well as interview techniques that are age
8 sensitive and are trauma informed, victim centered, and
9 victim sensitive. The curriculum shall include training in
10 techniques designed to promote effective communication at
11 the initial contact with crime victims and ways to
12 comprehensively explain to victims and witnesses their
13 rights under the Rights of Crime Victims and Witnesses Act
14 and the Crime Victims Compensation Act. The curriculum
15 shall also include training in effective recognition of
16 and responses to stress, trauma, and post-traumatic stress
17 experienced by law enforcement officers that is consistent
18 with Section 25 of the Illinois Mental Health First Aid
19 Training Act in a peer setting, including recognizing
20 signs and symptoms of work-related cumulative stress,
21 issues that may lead to suicide, and solutions for
22 intervention with peer support resources. The curriculum
23 shall include a block of instruction addressing the
24 mandatory reporting requirements under the Abused and
25 Neglected Child Reporting Act. The curriculum shall also
26 include a block of instruction aimed at identifying and

1 interacting with persons with autism and other
2 developmental or physical disabilities, reducing barriers
3 to reporting crimes against persons with autism, and
4 addressing the unique challenges presented by cases
5 involving victims or witnesses with autism and other
6 developmental disabilities. The curriculum shall include
7 training in the detection and investigation of all forms
8 of human trafficking. The curriculum shall also include
9 instruction in trauma-informed responses designed to
10 ensure the physical safety and well-being of a child of an
11 arrested parent or immediate family member; this
12 instruction must include, but is not limited to: (1)
13 understanding the trauma experienced by the child while
14 maintaining the integrity of the arrest and safety of
15 officers, suspects, and other involved individuals; (2)
16 de-escalation tactics that would include the use of force
17 when reasonably necessary; and (3) inquiring whether a
18 child will require supervision and care. The curriculum
19 for probationary law enforcement officers shall include:
20 (1) at least 12 hours of hands-on, scenario-based
21 role-playing; (2) at least 6 hours of instruction on use
22 of force techniques, including the use of de-escalation
23 techniques to prevent or reduce the need for force
24 whenever safe and feasible; (3) specific training on
25 officer safety techniques, including cover, concealment,
26 and time; and (4) at least 6 hours of training focused on

1 high-risk traffic stops. The curriculum for permanent law
2 enforcement officers shall include, but not be limited to:
3 (1) refresher and in-service training in any of the
4 courses listed above in this subparagraph, (2) advanced
5 courses in any of the subjects listed above in this
6 subparagraph, (3) training for supervisory personnel, and
7 (4) specialized training in subjects and fields to be
8 selected by the board. The training in the use of
9 electronic control devices shall be conducted for
10 probationary law enforcement officers, including
11 University police officers. The curriculum shall also
12 include training on the use of a firearms restraining
13 order by providing instruction on the process used to file
14 a firearms restraining order and how to identify
15 situations in which a firearms restraining order is
16 appropriate.

17 b. Minimum courses of study, attendance requirements
18 and equipment requirements.

19 c. Minimum requirements for instructors.

20 d. Minimum basic training requirements, which a
21 probationary law enforcement officer must satisfactorily
22 complete before being eligible for permanent employment as
23 a local law enforcement officer for a participating local
24 governmental or State governmental agency. Those
25 requirements shall include training in first aid
26 (including cardiopulmonary resuscitation).

1 e. Minimum basic training requirements, which a
2 probationary county corrections officer must
3 satisfactorily complete before being eligible for
4 permanent employment as a county corrections officer for a
5 participating local governmental agency.

6 f. Minimum basic training requirements which a
7 probationary court security officer must satisfactorily
8 complete before being eligible for permanent employment as
9 a court security officer for a participating local
10 governmental agency. The Board shall establish those
11 training requirements which it considers appropriate for
12 court security officers and shall certify schools to
13 conduct that training.

14 A person hired to serve as a court security officer
15 must obtain from the Board a certificate (i) attesting to
16 the officer's successful completion of the training
17 course; (ii) attesting to the officer's satisfactory
18 completion of a training program of similar content and
19 number of hours that has been found acceptable by the
20 Board under the provisions of this Act; or (iii) attesting
21 to the Board's determination that the training course is
22 unnecessary because of the person's extensive prior law
23 enforcement experience.

24 Individuals who currently serve as court security
25 officers shall be deemed qualified to continue to serve in
26 that capacity so long as they are certified as provided by

1 this Act within 24 months of June 1, 1997 (the effective
2 date of Public Act 89-685). Failure to be so certified,
3 absent a waiver from the Board, shall cause the officer to
4 forfeit his or her position.

5 All individuals hired as court security officers on or
6 after June 1, 1997 (the effective date of Public Act
7 89-685) shall be certified within 12 months of the date of
8 their hire, unless a waiver has been obtained by the
9 Board, or they shall forfeit their positions.

10 The Sheriff's Merit Commission, if one exists, or the
11 Sheriff's Office if there is no Sheriff's Merit
12 Commission, shall maintain a list of all individuals who
13 have filed applications to become court security officers
14 and who meet the eligibility requirements established
15 under this Act. Either the Sheriff's Merit Commission, or
16 the Sheriff's Office if no Sheriff's Merit Commission
17 exists, shall establish a schedule of reasonable intervals
18 for verification of the applicants' qualifications under
19 this Act and as established by the Board.

20 g. Minimum in-service training requirements, which a
21 law enforcement officer must satisfactorily complete every
22 3 years. Those requirements shall include constitutional
23 and proper use of law enforcement authority, procedural
24 justice, civil rights, human rights, reporting child abuse
25 and neglect, and cultural competency, including implicit
26 bias and racial and ethnic sensitivity. These trainings

1 shall consist of at least 30 hours of training every 3
2 years.

3 h. Minimum in-service training requirements, which a
4 law enforcement officer must satisfactorily complete at
5 least annually. Those requirements shall include law
6 updates, emergency medical response training and
7 certification, crisis intervention training, and officer
8 wellness and mental health.

9 i. Minimum in-service training requirements as set
10 forth in Section 10.6.

11 The amendatory changes to this Section made by Public Act
12 101-652 shall take effect January 1, 2022.

13 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;
14 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.
15 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section
16 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.
17 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,
18 eff. 8-20-21; revised 10-5-21.)

19 Section 35. The Uniform Crime Reporting Act is amended by
20 changing Section 5-5 as follows:

21 (50 ILCS 709/5-5)

22 Sec. 5-5. Definitions. As used in this Act:

23 "Arrest-related death" means any death of an individual
24 while the individual's freedom to leave is restricted by a law

1 enforcement officer while the officer is on duty, or otherwise
2 acting within the scope of his or her employment, including
3 any death resulting from a motor vehicle crash ~~accident~~, if
4 the law enforcement officer was engaged in direct action
5 against the individual or the individual's vehicle during the
6 process of apprehension. "Arrest-related death" does not
7 include the death of law enforcement personnel.

8 "Domestic crime" means any crime attempted or committed
9 between a victim and offender who have a domestic
10 relationship, both current and past.

11 "Hate crime" has the same meaning as defined under Section
12 12-7.1 of the Criminal Code of 2012.

13 "Law enforcement agency" means an agency of this State or
14 unit of local government which is vested by law or ordinance
15 with the duty to maintain public order and to enforce criminal
16 law or ordinances.

17 "Law enforcement officer" or "officer" means any officer,
18 agent, or employee of this State or a unit of local government
19 authorized by law or by a government agency to engage in or
20 supervise the prevention, detection, or investigation of any
21 violation of criminal law, or authorized by law to supervise
22 accused persons or sentenced criminal offenders.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 Section 40. The Police and Community Relations Improvement
25 Act is amended by changing Sections 1-5 and 1-10 as follows:

1 (50 ILCS 727/1-5)

2 Sec. 1-5. Definitions. As used in this Act:

3 "Law enforcement agency" means an agency of this State or
4 unit of local government which is vested by law or ordinance
5 with the duty to maintain public order and to enforce criminal
6 laws or ordinances.

7 "Law enforcement officer" or "officer" means any person
8 employed by a State, county, or municipality as a policeman,
9 peace officer, or in some like position involving the
10 enforcement of the law and protection of public interest at
11 the risk of the person's life.

12 "Officer-involved death" means any death of an individual
13 that results directly from an action or directly from an
14 intentional omission, including unreasonable delay involving a
15 person in custody or intentional failure to seek medical
16 attention when the need for treatment is apparent, of a law
17 enforcement officer while the officer is on duty, or otherwise
18 acting within the scope of his or her employment, or while the
19 officer is off duty, but performing activities that are within
20 the scope of his or her law enforcement duties.

21 "Officer-involved death" includes any death resulting from a
22 motor vehicle crash ~~accident~~, if the law enforcement officer
23 was engaged in law enforcement activity involving the
24 individual or the individual's vehicle in the process of
25 apprehension or attempt to apprehend.

1 (Source: P.A. 99-352, eff. 1-1-16.)

2 (50 ILCS 727/1-10)

3 Sec. 1-10. Investigation of officer-involved deaths;
4 requirements.

5 (a) Each law enforcement agency shall have a written
6 policy regarding the investigation of officer-involved deaths
7 that involve a law enforcement officer employed by that law
8 enforcement agency.

9 (b) Each officer-involved death investigation shall be
10 conducted by at least 2 investigators, or an entity or agency
11 comprised of at least 2 investigators, one of whom is the lead
12 investigator. The lead investigator shall be a person
13 certified by the Illinois Law Enforcement Training Standards
14 Board as a Lead Homicide Investigator, or similar training
15 approved by the Illinois Law Enforcement Training Standards
16 Board or the Illinois State Police, or similar training
17 provided at an Illinois Law Enforcement Training Standards
18 Board certified school. No investigator involved in the
19 investigation may be employed by the law enforcement agency
20 that employs the officer involved in the officer-involved
21 death, unless the investigator is employed by the Illinois
22 State Police and is not assigned to the same division or unit
23 as the officer involved in the death.

24 (c) In addition to the requirements of subsection (b) of
25 this Section, if the officer-involved death being investigated

1 involves a motor vehicle crash ~~accident~~, at least one
2 investigator shall be certified by the Illinois Law
3 Enforcement Training Standards Board as a Crash Reconstruction
4 Specialist, or similar training approved by the Illinois Law
5 Enforcement Training Standards Board or the Illinois State
6 Police, or similar training provided at an Illinois Law
7 Enforcement Training Standards Board certified school.
8 Notwithstanding the requirements of subsection (b) of this
9 Section, the policy for a law enforcement agency, when the
10 officer-involved death being investigated involves a motor
11 vehicle collision, may allow the use of an investigator who is
12 employed by that law enforcement agency and who is certified
13 by the Illinois Law Enforcement Training Standards Board as a
14 Crash Reconstruction Specialist, or similar training approved
15 by the Illinois Law Enforcement Training and Standards Board,
16 or similar certified training approved by the Illinois State
17 Police, or similar training provided at an Illinois Law
18 Enforcement Training and Standards Board certified school.

19 (d) The investigators conducting the investigation shall,
20 in an expeditious manner, provide a complete report to the
21 State's Attorney of the county in which the officer-involved
22 death occurred.

23 (e) If the State's Attorney, or a designated special
24 prosecutor, determines there is no basis to prosecute the law
25 enforcement officer involved in the officer-involved death, or
26 if the law enforcement officer is not otherwise charged or

1 indicted, the investigators shall publicly release a report.

2 (Source: P.A. 102-538, eff. 8-20-21.)

3 Section 45. The Counties Code is amended by changing
4 Sections 3-3013 and 5-1182 as follows:

5 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

6 Sec. 3-3013. Preliminary investigations; blood and urine
7 analysis; summoning jury; reports. Every coroner, whenever,
8 as soon as he knows or is informed that the dead body of any
9 person is found, or lying within his county, whose death is
10 suspected of being:

11 (a) A sudden or violent death, whether apparently
12 suicidal, homicidal or accidental, including but not
13 limited to deaths apparently caused or contributed to by
14 thermal, traumatic, chemical, electrical or radiational
15 injury, or a complication of any of them, or by drowning or
16 suffocation, or as a result of domestic violence as
17 defined in the Illinois Domestic Violence Act of 1986;

18 (b) A death due to a sex crime;

19 (c) A death where the circumstances are suspicious,
20 obscure, mysterious or otherwise unexplained or where, in
21 the written opinion of the attending physician, the cause
22 of death is not determined;

23 (d) A death where addiction to alcohol or to any drug
24 may have been a contributory cause; or

1 (e) A death where the decedent was not attended by a
2 licensed physician;
3 shall go to the place where the dead body is, and take charge
4 of the same and shall make a preliminary investigation into
5 the circumstances of the death. In the case of death without
6 attendance by a licensed physician the body may be moved with
7 the coroner's consent from the place of death to a mortuary in
8 the same county. Coroners in their discretion shall notify
9 such physician as is designated in accordance with Section
10 3-3014 to attempt to ascertain the cause of death, either by
11 autopsy or otherwise.

12 In cases of accidental death involving a motor vehicle in
13 which the decedent was (1) the operator or a suspected
14 operator of a motor vehicle, or (2) a pedestrian 16 years of
15 age or older, the coroner shall require that a blood specimen
16 of at least 30 cc., and if medically possible a urine specimen
17 of at least 30 cc. or as much as possible up to 30 cc., be
18 withdrawn from the body of the decedent in a timely fashion
19 after the crash ~~accident~~ causing his death, by such physician
20 as has been designated in accordance with Section 3-3014, or
21 by the coroner or deputy coroner or a qualified person
22 designated by such physician, coroner, or deputy coroner. If
23 the county does not maintain laboratory facilities for making
24 such analysis, the blood and urine so drawn shall be sent to
25 the Illinois State Police or any other accredited or
26 State-certified laboratory for analysis of the alcohol, carbon

1 monoxide, and dangerous or narcotic drug content of such blood
2 and urine specimens. Each specimen submitted shall be
3 accompanied by pertinent information concerning the decedent
4 upon a form prescribed by such laboratory. Any person drawing
5 blood and urine and any person making any examination of the
6 blood and urine under the terms of this Division shall be
7 immune from all liability, civil or criminal, that might
8 otherwise be incurred or imposed.

9 In all other cases coming within the jurisdiction of the
10 coroner and referred to in subparagraphs (a) through (e)
11 above, blood, and whenever possible, urine samples shall be
12 analyzed for the presence of alcohol and other drugs. When the
13 coroner suspects that drugs may have been involved in the
14 death, either directly or indirectly, a toxicological
15 examination shall be performed which may include analyses of
16 blood, urine, bile, gastric contents and other tissues. When
17 the coroner suspects a death is due to toxic substances, other
18 than drugs, the coroner shall consult with the toxicologist
19 prior to collection of samples. Information submitted to the
20 toxicologist shall include information as to height, weight,
21 age, sex and race of the decedent as well as medical history,
22 medications used by and the manner of death of decedent.

23 When the coroner or medical examiner finds that the cause
24 of death is due to homicidal means, the coroner or medical
25 examiner shall cause blood and buccal specimens (tissue may be
26 submitted if no uncontaminated blood or buccal specimen can be

1 obtained), whenever possible, to be withdrawn from the body of
2 the decedent in a timely fashion. For proper preservation of
3 the specimens, collected blood and buccal specimens shall be
4 dried and tissue specimens shall be frozen if available
5 equipment exists. As soon as possible, but no later than 30
6 days after the collection of the specimens, the coroner or
7 medical examiner shall release those specimens to the police
8 agency responsible for investigating the death. As soon as
9 possible, but no later than 30 days after the receipt from the
10 coroner or medical examiner, the police agency shall submit
11 the specimens using the agency case number to a National DNA
12 Index System (NDIS) participating laboratory within this
13 State, such as the Illinois State Police, Division of Forensic
14 Services, for analysis and categorizing into genetic marker
15 groupings. The results of the analysis and categorizing into
16 genetic marker groupings shall be provided to the Illinois
17 State Police and shall be maintained by the Illinois State
18 Police in the State central repository in the same manner, and
19 subject to the same conditions, as provided in Section 5-4-3
20 of the Unified Code of Corrections. The requirements of this
21 paragraph are in addition to any other findings, specimens, or
22 information that the coroner or medical examiner is required
23 to provide during the conduct of a criminal investigation.

24 In all counties, in cases of apparent suicide, homicide,
25 or accidental death or in other cases, within the discretion
26 of the coroner, the coroner may summon 8 persons of lawful age

1 from those persons drawn for petit jurors in the county. The
2 summons shall command these persons to present themselves
3 personally at such a place and time as the coroner shall
4 determine, and may be in any form which the coroner shall
5 determine and may incorporate any reasonable form of request
6 for acknowledgment which the coroner deems practical and
7 provides a reliable proof of service. The summons may be
8 served by first class mail. From the 8 persons so summoned, the
9 coroner shall select 6 to serve as the jury for the inquest.
10 Inquests may be continued from time to time, as the coroner may
11 deem necessary. The 6 jurors selected in a given case may view
12 the body of the deceased. If at any continuation of an inquest
13 one or more of the original jurors shall be unable to continue
14 to serve, the coroner shall fill the vacancy or vacancies. A
15 juror serving pursuant to this paragraph shall receive
16 compensation from the county at the same rate as the rate of
17 compensation that is paid to petit or grand jurors in the
18 county. The coroner shall furnish to each juror without fee at
19 the time of his discharge a certificate of the number of days
20 in attendance at an inquest, and, upon being presented with
21 such certificate, the county treasurer shall pay to the juror
22 the sum provided for his services.

23 In counties which have a jury commission, in cases of
24 apparent suicide or homicide or of accidental death, the
25 coroner may conduct an inquest. The jury commission shall
26 provide at least 8 jurors to the coroner, from whom the coroner

1 shall select any 6 to serve as the jury for the inquest.
2 Inquests may be continued from time to time as the coroner may
3 deem necessary. The 6 jurors originally chosen in a given case
4 may view the body of the deceased. If at any continuation of an
5 inquest one or more of the 6 jurors originally chosen shall be
6 unable to continue to serve, the coroner shall fill the
7 vacancy or vacancies. At the coroner's discretion, additional
8 jurors to fill such vacancies shall be supplied by the jury
9 commission. A juror serving pursuant to this paragraph in such
10 county shall receive compensation from the county at the same
11 rate as the rate of compensation that is paid to petit or grand
12 jurors in the county.

13 In every case in which a fire is determined to be a
14 contributing factor in a death, the coroner shall report the
15 death to the Office of the State Fire Marshal. The coroner
16 shall provide a copy of the death certificate (i) within 30
17 days after filing the permanent death certificate and (ii) in
18 a manner that is agreed upon by the coroner and the State Fire
19 Marshal.

20 In every case in which a drug overdose is determined to be
21 the cause or a contributing factor in the death, the coroner or
22 medical examiner shall report the death to the Department of
23 Public Health. The Department of Public Health shall adopt
24 rules regarding specific information that must be reported in
25 the event of such a death. If possible, the coroner shall
26 report the cause of the overdose. As used in this Section,

1 "overdose" has the same meaning as it does in Section 414 of
2 the Illinois Controlled Substances Act. The Department of
3 Public Health shall issue a semiannual report to the General
4 Assembly summarizing the reports received. The Department
5 shall also provide on its website a monthly report of overdose
6 death figures organized by location, age, and any other
7 factors, the Department deems appropriate.

8 In addition, in every case in which domestic violence is
9 determined to be a contributing factor in a death, the coroner
10 shall report the death to the Illinois State Police.

11 All deaths in State institutions and all deaths of wards
12 of the State or youth in care as defined in Section 4d of the
13 Children and Family Services Act in private care facilities or
14 in programs funded by the Department of Human Services under
15 its powers relating to mental health and developmental
16 disabilities or alcoholism and substance abuse or funded by
17 the Department of Children and Family Services shall be
18 reported to the coroner of the county in which the facility is
19 located. If the coroner has reason to believe that an
20 investigation is needed to determine whether the death was
21 caused by maltreatment or negligent care of the ward of the
22 State or youth in care as defined in Section 4d of the Children
23 and Family Services Act, the coroner may conduct a preliminary
24 investigation of the circumstances of such death as in cases
25 of death under circumstances set forth in paragraphs (a)
26 through (e) of this Section.

1 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21.)

2 (55 ILCS 5/5-1182)

3 Sec. 5-1182. Charitable organizations; solicitation.

4 (a) No county may prohibit a charitable organization, as
5 defined in Section 2 of the Charitable Games Act, from
6 soliciting for charitable purposes, including solicitations
7 taking place on public roadways from passing motorists, if all
8 of the following requirements are met.

9 (1) The persons to be engaged in the solicitation are
10 law enforcement personnel, firefighters, or other persons
11 employed to protect the public safety of a local agency,
12 and those persons are soliciting solely in an area that is
13 within the service area of that local agency.

14 (2) The charitable organization files an application
15 with the county having jurisdiction over the location or
16 locations where the solicitation is to occur. The
17 applications shall be filed not later than 10 business
18 days before the date that the solicitation is to begin and
19 shall include all of the following:

20 (A) The date or dates and times of day when the
21 solicitation is to occur.

22 (B) The location or locations where the
23 solicitation is to occur along with a list of 3
24 alternate locations listed in order of preference.

25 (C) The manner and conditions under which the

1 solicitation is to occur.

2 (D) Proof of a valid liability insurance policy in
3 the amount of at least \$1,000,000 insuring the charity
4 or local agency against bodily injury and property
5 damage arising out of or in connection with the
6 solicitation.

7 The county shall approve the application within 5 business
8 days after the filing date of the application, but may impose
9 reasonable conditions in writing that are consistent with the
10 intent of this Section and are based on articulated public
11 safety concerns. If the county determines that the applicant's
12 location cannot be permitted due to significant safety
13 concerns, such as high traffic volumes, poor geometrics,
14 construction, maintenance operations, or past crash ~~accident~~
15 history, then the county may deny the application for that
16 location and must approve one of the 3 alternate locations
17 following the order of preference submitted by the applicant
18 on the alternate location list. By acting under this Section,
19 a local agency does not waive or limit any immunity from
20 liability provided by any other provision of law.

21 (b) For purposes of this Section, "local agency" means a
22 county, special district, fire district, joint powers of
23 authority, or other political subdivision of the State of
24 Illinois.

25 (c) A home rule unit may not regulate a charitable
26 organization in a manner that is inconsistent with this

1 Section. This Section is a limitation under subsection (i) of
2 Section 6 of Article VII of the Illinois Constitution on the
3 concurrent exercise by home rule units of powers and functions
4 exercised by the State.

5 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13.)

6 Section 50. The Illinois Municipal Code is amended by
7 changing Section 11-80-9 as follows:

8 (65 ILCS 5/11-80-9) (from Ch. 24, par. 11-80-9)

9 Sec. 11-80-9. The corporate authorities of each
10 municipality may prevent and regulate all amusements and
11 activities having a tendency to annoy or endanger persons or
12 property on the sidewalks, streets, and other municipal
13 property. However, no municipality may prohibit a charitable
14 organization, as defined in Section 2 of the Charitable Games
15 Act, from soliciting for charitable purposes, including
16 solicitations taking place on public roadways from passing
17 motorists, if all of the following requirements are met.

18 (1) The persons to be engaged in the solicitation are
19 law enforcement personnel, firefighters, or other persons
20 employed to protect the public safety of a local agency,
21 and that are soliciting solely in an area that is within
22 the service area of that local agency.

23 (2) The charitable organization files an application
24 with the municipality having jurisdiction over the

1 location or locations where the solicitation is to occur.
2 The application shall be filed not later than 10 business
3 days before the date that the solicitation is to begin and
4 shall include all of the following:

5 (A) The date or dates and times of day when the
6 solicitation is to occur.

7 (B) The location or locations where the
8 solicitation is to occur along with a list of 3
9 alternate locations listed in order of preference.

10 (C) The manner and conditions under which the
11 solicitation is to occur.

12 (D) Proof of a valid liability insurance policy in
13 the amount of at least \$1,000,000 insuring the charity
14 or local agency against bodily injury and property
15 damage arising out of or in connection with the
16 solicitation.

17 The municipality shall approve the application within 5
18 business days after the filing date of the application, but
19 may impose reasonable conditions in writing that are
20 consistent with the intent of this Section and are based on
21 articulated public safety concerns. If the municipality
22 determines that the applicant's location cannot be permitted
23 due to significant safety concerns, such as high traffic
24 volumes, poor geometrics, construction, maintenance
25 operations, or past crash ~~accident~~ history, then the
26 municipality may deny the application for that location and

1 must approve one of the 3 alternate locations following the
2 order of preference submitted by the applicant on the
3 alternate location list. By acting under this Section, a local
4 agency does not waive or limit any immunity from liability
5 provided by any other provision of law.

6 For purposes of this Section, "local agency" means a
7 municipality, special district, fire district, joint powers of
8 authority, or other political subdivision of the State of
9 Illinois.

10 A home rule unit may not regulate a charitable
11 organization in a manner that is inconsistent with this
12 Section. This Section is a limitation under subsection (i) of
13 Section 6 of Article VII of the Illinois Constitution on the
14 concurrent exercise by home rule units of powers and functions
15 exercised by the State.

16 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13;
17 98-756, eff. 7-16-14.)

18 Section 55. The Illinois Insurance Code is amended by
19 changing Sections 143.01, 143.19, 143.19.1, 143.19.3, 143.24b,
20 143.29, 143.32, 143a, and 143a-2 as follows:

21 (215 ILCS 5/143.01) (from Ch. 73, par. 755.01)

22 Sec. 143.01. (a) A provision in a policy of vehicle
23 insurance described in Section 4 excluding coverage for bodily
24 injury to members of the family of the insured shall not be

1 applicable when a third party acquires a right of contribution
2 against a member of the injured person's family.

3 (b) A provision in a policy of vehicle insurance excluding
4 coverage for bodily injury to members of the family of the
5 insured shall not be applicable when any person not in the
6 household of the insured was driving the vehicle of the
7 insured involved in the crash ~~accident~~ which is the subject of
8 the claim or lawsuit.

9 This subsection (b) applies to any action filed on or
10 after its effective date.

11 (Source: P.A. 83-1132.)

12 (215 ILCS 5/143.19) (from Ch. 73, par. 755.19)

13 (Text of Section before amendment by P.A. 101-652)

14 Sec. 143.19. Cancellation of automobile insurance policy;
15 grounds. After a policy of automobile insurance as defined in
16 Section 143.13(a) has been effective for 60 days, or if such
17 policy is a renewal policy, the insurer shall not exercise its
18 option to cancel such policy except for one or more of the
19 following reasons:

20 a. Nonpayment of premium;

21 b. The policy was obtained through a material
22 misrepresentation;

23 c. Any insured violated any of the terms and
24 conditions of the policy;

25 d. The named insured failed to disclose fully his

1 motor vehicle crashes ~~accidents~~ and moving traffic
2 violations for the preceding 36 months if called for in
3 the application;

4 e. Any insured made a false or fraudulent claim or
5 knowingly aided or abetted another in the presentation of
6 such a claim;

7 f. The named insured or any other operator who either
8 resides in the same household or customarily operates an
9 automobile insured under such policy:

10 1. has, within the 12 months prior to the notice of
11 cancellation, had his driver's license under
12 suspension or revocation;

13 2. is or becomes subject to epilepsy or heart
14 attacks, and such individual does not produce a
15 certificate from a physician testifying to his
16 unqualified ability to operate a motor vehicle safely;

17 3. has a crash ~~an accident~~ record, conviction
18 record (criminal or traffic), physical, or mental
19 condition which is such that his operation of an
20 automobile might endanger the public safety;

21 4. has, within the 36 months prior to the notice of
22 cancellation, been addicted to the use of narcotics or
23 other drugs; or

24 5. has been convicted, or forfeited bail, during
25 the 36 months immediately preceding the notice of
26 cancellation, for any felony, criminal negligence

1 resulting in death, homicide or assault arising out of
2 the operation of a motor vehicle, operating a motor
3 vehicle while in an intoxicated condition or while
4 under the influence of drugs, being intoxicated while
5 in, or about, an automobile or while having custody of
6 an automobile, leaving the scene of a crash ~~an~~
7 ~~accident~~ without stopping to report, theft or unlawful
8 taking of a motor vehicle, making false statements in
9 an application for an operator's or chauffeur's
10 license or has been convicted or forfeited bail for 3
11 or more violations within the 12 months immediately
12 preceding the notice of cancellation, of any law,
13 ordinance, or regulation limiting the speed of motor
14 vehicles or any of the provisions of the motor vehicle
15 laws of any state, violation of which constitutes a
16 misdemeanor, whether or not the violations were
17 repetitions of the same offense or different offenses;
18 g. The insured automobile is:

19 1. so mechanically defective that its operation
20 might endanger public safety;

21 2. used in carrying passengers for hire or
22 compensation (the use of an automobile for a car pool
23 shall not be considered use of an automobile for hire
24 or compensation);

25 3. used in the business of transportation of
26 flammables or explosives;

- 1 4. an authorized emergency vehicle;
- 2 5. changed in shape or condition during the policy
- 3 period so as to increase the risk substantially; or
- 4 6. subject to an inspection law and has not been
- 5 inspected or, if inspected, has failed to qualify.

6 Nothing in this Section shall apply to nonrenewal.

7 (Source: P.A. 100-201, eff. 8-18-17.)

8 (Text of Section after amendment by P.A. 101-652)

9 Sec. 143.19. Cancellation of automobile insurance policy;
10 grounds. After a policy of automobile insurance as defined in
11 Section 143.13(a) has been effective for 60 days, or if such
12 policy is a renewal policy, the insurer shall not exercise its
13 option to cancel such policy except for one or more of the
14 following reasons:

- 15 a. Nonpayment of premium;
- 16 b. The policy was obtained through a material
- 17 misrepresentation;
- 18 c. Any insured violated any of the terms and
- 19 conditions of the policy;
- 20 d. The named insured failed to disclose fully his
- 21 motor vehicle crashes ~~accidents~~ and moving traffic
- 22 violations for the preceding 36 months if called for in
- 23 the application;
- 24 e. Any insured made a false or fraudulent claim or
- 25 knowingly aided or abetted another in the presentation of

1 such a claim;

2 f. The named insured or any other operator who either
3 resides in the same household or customarily operates an
4 automobile insured under such policy:

5 1. has, within the 12 months prior to the notice of
6 cancellation, had his driver's license under
7 suspension or revocation;

8 2. is or becomes subject to epilepsy or heart
9 attacks, and such individual does not produce a
10 certificate from a physician testifying to his
11 unqualified ability to operate a motor vehicle safely;

12 3. has a crash ~~an accident~~ record, conviction
13 record (criminal or traffic), physical, or mental
14 condition which is such that his operation of an
15 automobile might endanger the public safety;

16 4. has, within the 36 months prior to the notice of
17 cancellation, been addicted to the use of narcotics or
18 other drugs; or

19 5. has been convicted, or violated conditions of
20 pretrial release, during the 36 months immediately
21 preceding the notice of cancellation, for any felony,
22 criminal negligence resulting in death, homicide or
23 assault arising out of the operation of a motor
24 vehicle, operating a motor vehicle while in an
25 intoxicated condition or while under the influence of
26 drugs, being intoxicated while in, or about, an

1 automobile or while having custody of an automobile,
2 leaving the scene of a crash ~~an accident~~ without
3 stopping to report, theft or unlawful taking of a
4 motor vehicle, making false statements in an
5 application for an operator's or chauffeur's license
6 or has been convicted or pretrial release has been
7 revoked for 3 or more violations within the 12 months
8 immediately preceding the notice of cancellation, of
9 any law, ordinance, or regulation limiting the speed
10 of motor vehicles or any of the provisions of the motor
11 vehicle laws of any state, violation of which
12 constitutes a misdemeanor, whether or not the
13 violations were repetitions of the same offense or
14 different offenses;

15 g. The insured automobile is:

16 1. so mechanically defective that its operation
17 might endanger public safety;

18 2. used in carrying passengers for hire or
19 compensation (the use of an automobile for a car pool
20 shall not be considered use of an automobile for hire
21 or compensation);

22 3. used in the business of transportation of
23 flammables or explosives;

24 4. an authorized emergency vehicle;

25 5. changed in shape or condition during the policy
26 period so as to increase the risk substantially; or

1 6. subject to an inspection law and has not been
2 inspected or, if inspected, has failed to qualify.

3 Nothing in this Section shall apply to nonrenewal.

4 (Source: P.A. 100-201, eff. 8-18-17; 101-652, eff. 1-1-23.)

5 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

6 (Text of Section before amendment by P.A. 101-652)

7 Sec. 143.19.1. Limits on exercise of right of nonrenewal.

8 After a policy of automobile insurance, as defined in Section
9 143.13, has been effective or renewed for 5 or more years, the
10 company shall not exercise its right of non-renewal unless:

11 a. The policy was obtained through a material
12 misrepresentation; or

13 b. Any insured violated any of the terms and conditions of
14 the policy; or

15 c. The named insured failed to disclose fully his motor
16 vehicle crashes ~~accidents~~ and moving traffic violations for
17 the preceding 36 months, if such information is called for in
18 the application; or

19 d. Any insured made a false or fraudulent claim or
20 knowingly aided or abetted another in the presentation of such
21 a claim; or

22 e. The named insured or any other operator who either
23 resides in the same household or customarily operates an
24 automobile insured under such a policy:

25 1. Has, within the 12 months prior to the notice of

1 non-renewal had his drivers license under suspension or
2 revocation; or

3 2. Is or becomes subject to epilepsy or heart attacks,
4 and such individual does not produce a certificate from a
5 physician testifying to his unqualified ability to operate
6 a motor vehicle safely; or

7 3. Has a crash ~~an accident~~ record, conviction record
8 (criminal or traffic), or a physical or mental condition
9 which is such that his operation of an automobile might
10 endanger the public safety; or

11 4. Has, within the 36 months prior to the notice of
12 non-renewal, been addicted to the use of narcotics or
13 other drugs; or

14 5. Has been convicted or forfeited bail, during the 36
15 months immediately preceding the notice of non-renewal,
16 for any felony, criminal negligence resulting in death,
17 homicide or assault arising out of the operation of a
18 motor vehicle, operating a motor vehicle while in an
19 intoxicated condition or while under the influence of
20 drugs, being intoxicated while in or about an automobile
21 or while having custody of an automobile, leaving the
22 scene of a crash ~~an accident~~ without stopping to report,
23 theft or unlawful taking of a motor vehicle, making false
24 statements in an application for an operators or
25 chauffeurs license, or has been convicted or forfeited
26 bail for 3 or more violations within the 12 months

1 immediately preceding the notice of non-renewal, of any
2 law, ordinance or regulation limiting the speed of motor
3 vehicles or any of the provisions of the motor vehicle
4 laws of any state, violation of which constitutes a
5 misdemeanor, whether or not the violations were
6 repetitions of the same offense or different offenses; or
7 f. The insured automobile is:

8 1. So mechanically defective that its operation might
9 endanger public safety; or

10 2. Used in carrying passengers for hire or
11 compensation (the use of an automobile for a car pool
12 shall not be considered use of an automobile for hire or
13 compensation); or

14 3. Used in the business of transportation of
15 flammables or explosives; or

16 4. An authorized emergency vehicle; or

17 5. Changed in shape or condition during the policy
18 period so as to increase the risk substantially; or

19 6. Subject to an inspection law and it has not been
20 inspected or, if inspected, has failed to qualify; or

21 g. The notice of the intention not to renew is mailed to
22 the insured at least 60 days before the date of nonrenewal as
23 provided in Section 143.17.

24 (Source: P.A. 89-669, eff. 1-1-97.)

25 (Text of Section after amendment by P.A. 101-652)

1 Sec. 143.19.1. Limits on exercise of right of nonrenewal.
2 After a policy of automobile insurance, as defined in Section
3 143.13, has been effective or renewed for 5 or more years, the
4 company shall not exercise its right of non-renewal unless:

5 a. The policy was obtained through a material
6 misrepresentation; or

7 b. Any insured violated any of the terms and conditions of
8 the policy; or

9 c. The named insured failed to disclose fully his motor
10 vehicle crashes ~~accidents~~ and moving traffic violations for
11 the preceding 36 months, if such information is called for in
12 the application; or

13 d. Any insured made a false or fraudulent claim or
14 knowingly aided or abetted another in the presentation of such
15 a claim; or

16 e. The named insured or any other operator who either
17 resides in the same household or customarily operates an
18 automobile insured under such a policy:

19 1. Has, within the 12 months prior to the notice of
20 non-renewal had his drivers license under suspension or
21 revocation; or

22 2. Is or becomes subject to epilepsy or heart attacks,
23 and such individual does not produce a certificate from a
24 physician testifying to his unqualified ability to operate
25 a motor vehicle safely; or

26 3. Has a crash ~~an accident~~ record, conviction record

1 (criminal or traffic), or a physical or mental condition
2 which is such that his operation of an automobile might
3 endanger the public safety; or

4 4. Has, within the 36 months prior to the notice of
5 non-renewal, been addicted to the use of narcotics or
6 other drugs; or

7 5. Has been convicted or pretrial release has been
8 revoked, during the 36 months immediately preceding the
9 notice of non-renewal, for any felony, criminal negligence
10 resulting in death, homicide or assault arising out of the
11 operation of a motor vehicle, operating a motor vehicle
12 while in an intoxicated condition or while under the
13 influence of drugs, being intoxicated while in or about an
14 automobile or while having custody of an automobile,
15 leaving the scene of a crash ~~an accident~~ without stopping
16 to report, theft or unlawful taking of a motor vehicle,
17 making false statements in an application for an operators
18 or chauffeurs license, or has been convicted or pretrial
19 release has been revoked for 3 or more violations within
20 the 12 months immediately preceding the notice of
21 non-renewal, of any law, ordinance or regulation limiting
22 the speed of motor vehicles or any of the provisions of the
23 motor vehicle laws of any state, violation of which
24 constitutes a misdemeanor, whether or not the violations
25 were repetitions of the same offense or different
26 offenses; or

- 1 f. The insured automobile is:
- 2 1. So mechanically defective that its operation might
- 3 endanger public safety; or
- 4 2. Used in carrying passengers for hire or
- 5 compensation (the use of an automobile for a car pool
- 6 shall not be considered use of an automobile for hire or
- 7 compensation); or
- 8 3. Used in the business of transportation of
- 9 flammables or explosives; or
- 10 4. An authorized emergency vehicle; or
- 11 5. Changed in shape or condition during the policy
- 12 period so as to increase the risk substantially; or
- 13 6. Subject to an inspection law and it has not been
- 14 inspected or, if inspected, has failed to qualify; or
- 15 g. The notice of the intention not to renew is mailed to
- 16 the insured at least 60 days before the date of nonrenewal as
- 17 provided in Section 143.17.
- 18 (Source: P.A. 101-652, eff. 1-1-23.)

19 (215 ILCS 5/143.19.3)

20 Sec. 143.19.3. Prohibition of rate increase for persons

21 involved in emergency use of vehicles.

22 (a) No insurer authorized to transact or transacting

23 business in this State, or controlling or controlled by or

24 under common control by or with an insurer authorized to

25 transact or transacting business in this State, that sells a

1 personal policy of automobile insurance in this State shall
2 increase the policy premium, cancel the policy, or refuse to
3 renew the policy solely because the insured or any other
4 person who customarily operates an automobile covered by the
5 policy has been involved in a crash ~~had an accident~~ while
6 operating an automobile in response to an emergency when the
7 insured was responding to a call to duty as a volunteer EMS
8 provider, as defined in Section 1-220 of the Illinois Vehicle
9 Code.

10 (b) The provisions of subsection (a) also apply to all
11 personal umbrella policies.

12 (Source: P.A. 100-657, eff. 8-1-18.)

13 (215 ILCS 5/143.24b) (from Ch. 73, par. 755.24b)

14 Sec. 143.24b. Any insurer insuring any person or entity
15 against damages arising out of a vehicular crash ~~accident~~
16 shall disclose the dollar amount of liability coverage under
17 the insured's personal private passenger automobile liability
18 insurance policy upon receipt of the following: (a) a
19 certified letter from a claimant or any attorney purporting to
20 represent any claimant which requests such disclosure and (b)
21 a brief description of the nature and extent of the injuries,
22 accompanied by a statement of the amount of medical bills
23 incurred to date and copies of medical records. The disclosure
24 shall be confidential and available only to the claimant, his
25 attorney and personnel in the office of the attorney entitled

1 to access to the claimant's files. The insurer shall forward
2 the information to the party requesting it by certified mail,
3 return receipt requested, within 30 days of receipt of the
4 request.

5 (Source: P.A. 85-1209.)

6 (215 ILCS 5/143.29) (from Ch. 73, par. 755.29)

7 Sec. 143.29. (a) The rates and premium charges for every
8 policy of automobile liability insurance shall include
9 appropriate reductions as determined by the insurer for any
10 insured over age 55 upon successful completion of the National
11 Safety Council's Defensive Driving Course or a motor vehicle
12 crash ~~accident~~ prevention course, including an eLearning
13 course, that is found by the Secretary of State to meet or
14 exceed the standards of the National Safety Council's
15 Defensive Driving Course's 8 hour classroom safety instruction
16 program.

17 (b) The premium reduction shall remain in effect for the
18 qualifying insured for a period of 3 years from the date of
19 successful completion of the crash ~~accident~~ prevention course,
20 except that the insurer may elect to apply the premium
21 reduction beginning either with the last effective date of the
22 policy or the next renewal date of the policy if the reduction
23 will result in a savings as though applied over a full 3 year
24 period. An insured who has completed the course of instruction
25 prior to July 1, 1982 shall receive the insurance premium

1 reduction for only the period remaining within the 3 years
2 from course completion. The period of premium reduction for an
3 insured who has repeated the crash ~~accident~~ prevention course
4 shall be based upon the last such course the insured has
5 successfully completed.

6 (c) Any crash ~~accident~~ prevention course approved by the
7 Secretary of State under this Section shall be taught by an
8 instructor approved by the Secretary of State, shall consist
9 of at least 8 hours of classroom or eLearning equivalent
10 instruction and shall provide for a certificate of completion.
11 Records of certification of course completion shall be
12 maintained in a manner acceptable to the Secretary of State.

13 (d) Any person claiming eligibility for a rate or premium
14 reduction shall be responsible for providing to his insurance
15 company the information necessary to determine eligibility.

16 (e) This Section shall not apply to:

17 (1) any motor vehicle which is a part of a fleet or is
18 used for commercial purposes unless there is a regularly
19 assigned principal operator.

20 (2) any motor vehicle subject to a higher premium rate
21 because of the insured's previous motor vehicle claim
22 experience or to any motor vehicle whose principal
23 operator has been convicted of violating any of the motor
24 vehicle laws of this State, until that operator shall have
25 maintained a driving record free of crashes ~~accidents~~ and
26 moving violations for a continuous one year period, in

1 which case such driver shall be eligible for a reduction
2 the remaining 2 years of the 3 year period.

3 (3) any motor vehicle whose principal operator has had
4 his drivers license revoked or suspended for any reason by
5 the Secretary of State within the previous 36 months.

6 (4) any policy of group automobile insurance under
7 which premiums are broadly averaged for the group rather
8 than determined individually.

9 (Source: P.A. 102-397, eff. 1-1-22.)

10 (215 ILCS 5/143.32)

11 Sec. 143.32. Replacement of child restraint systems. A
12 policy of automobile insurance, as defined in Section 143.13,
13 that is amended, delivered, issued, or renewed after the
14 effective date of this amendatory Act of the 91st General
15 Assembly must include coverage for replacement of a child
16 restraint system that was in use by a child during a crash ~~an~~
17 ~~accident~~ to which coverage is applicable. As used in this
18 Section, "child restraint system" has the meaning given that
19 term in the Child Passenger Restraint Act.

20 (Source: P.A. 91-749, eff. 6-2-00.)

21 (215 ILCS 5/143a) (from Ch. 73, par. 755a)

22 Sec. 143a. Uninsured and hit and run motor vehicle
23 coverage.

24 (1) No policy insuring against loss resulting from

1 liability imposed by law for bodily injury or death suffered
2 by any person arising out of the ownership, maintenance or use
3 of a motor vehicle that is designed for use on public highways
4 and that is either required to be registered in this State or
5 is principally garaged in this State shall be renewed,
6 delivered, or issued for delivery in this State unless
7 coverage is provided therein or supplemental thereto, in
8 limits for bodily injury or death set forth in Section 7-203 of
9 the Illinois Vehicle Code for the protection of persons
10 insured thereunder who are legally entitled to recover damages
11 from owners or operators of uninsured motor vehicles and
12 hit-and-run motor vehicles because of bodily injury, sickness
13 or disease, including death, resulting therefrom. Uninsured
14 motor vehicle coverage does not apply to bodily injury,
15 sickness, disease, or death resulting therefrom, of an insured
16 while occupying a motor vehicle owned by, or furnished or
17 available for the regular use of the insured, a resident
18 spouse or resident relative, if that motor vehicle is not
19 described in the policy under which a claim is made or is not a
20 newly acquired or replacement motor vehicle covered under the
21 terms of the policy. The limits for any coverage for any
22 vehicle under the policy may not be aggregated with the limits
23 for any similar coverage, whether provided by the same insurer
24 or another insurer, applying to other motor vehicles, for
25 purposes of determining the total limit of insurance coverage
26 available for bodily injury or death suffered by a person in

1 any one crash ~~accident~~. No policy shall be renewed, delivered,
2 or issued for delivery in this State unless it is provided
3 therein that any dispute with respect to the coverage and the
4 amount of damages shall be submitted for arbitration to the
5 American Arbitration Association and be subject to its rules
6 for the conduct of arbitration hearings as to all matters
7 except medical opinions. As to medical opinions, if the amount
8 of damages being sought is equal to or less than the amount
9 provided for in Section 7-203 of the Illinois Vehicle Code,
10 then the current American Arbitration Association Rules shall
11 apply. If the amount being sought in an American Arbitration
12 Association case exceeds that amount as set forth in Section
13 7-203 of the Illinois Vehicle Code, then the Rules of Evidence
14 that apply in the circuit court for placing medical opinions
15 into evidence shall govern. Alternatively, disputes with
16 respect to damages and the coverage shall be determined in the
17 following manner: Upon the insured requesting arbitration,
18 each party to the dispute shall select an arbitrator and the 2
19 arbitrators so named shall select a third arbitrator. If such
20 arbitrators are not selected within 45 days from such request,
21 either party may request that the arbitration be submitted to
22 the American Arbitration Association. Any decision made by the
23 arbitrators shall be binding for the amount of damages not
24 exceeding \$75,000 for bodily injury to or death of any one
25 person, \$150,000 for bodily injury to or death of 2 or more
26 persons in any one motor vehicle crash ~~accident~~, or the

1 corresponding policy limits for bodily injury or death,
2 whichever is less. All 3-person arbitration cases proceeding
3 in accordance with any uninsured motorist coverage conducted
4 in this State in which the claimant is only seeking monetary
5 damages up to the limits set forth in Section 7-203 of the
6 Illinois Vehicle Code shall be subject to the following rules:

7 (A) If at least 60 days' written notice of the
8 intention to offer the following documents in evidence is
9 given to every other party, accompanied by a copy of the
10 document, a party may offer in evidence, without
11 foundation or other proof:

12 (1) bills, records, and reports of hospitals,
13 doctors, dentists, registered nurses, licensed
14 practical nurses, physical therapists, and other
15 healthcare providers;

16 (2) bills for drugs, medical appliances, and
17 prostheses;

18 (3) property repair bills or estimates, when
19 identified and itemized setting forth the charges for
20 labor and material used or proposed for use in the
21 repair of the property;

22 (4) a report of the rate of earnings and time lost
23 from work or lost compensation prepared by an
24 employer;

25 (5) the written opinion of an opinion witness, the
26 deposition of a witness, and the statement of a

1 witness that the witness would be allowed to express
2 if testifying in person, if the opinion or statement
3 is made by affidavit or by certification as provided
4 in Section 1-109 of the Code of Civil Procedure;

5 (6) any other document not specifically covered by
6 any of the foregoing provisions that is otherwise
7 admissible under the rules of evidence.

8 Any party receiving a notice under this paragraph (A)
9 may apply to the arbitrator or panel of arbitrators, as
10 the case may be, for the issuance of a subpoena directed to
11 the author or maker or custodian of the document that is
12 the subject of the notice, requiring the person subpoenaed
13 to produce copies of any additional documents as may be
14 related to the subject matter of the document that is the
15 subject of the notice. Any such subpoena shall be issued
16 in substantially similar form and served by notice as
17 provided by Illinois Supreme Court Rule 204(a)(4). Any
18 such subpoena shall be returnable not less than 5 days
19 before the arbitration hearing.

20 (B) Notwithstanding the provisions of Supreme Court
21 Rule 213(g), a party who proposes to use a written opinion
22 of an expert or opinion witness or the testimony of an
23 expert or opinion witness at the hearing may do so
24 provided a written notice of that intention is given to
25 every other party not less than 60 days prior to the date
26 of hearing, accompanied by a statement containing the

1 identity of the witness, his or her qualifications, the
2 subject matter, the basis of the witness's conclusions,
3 and his or her opinion.

4 (C) Any other party may subpoena the author or maker
5 of a document admissible under this subsection, at that
6 party's expense, and examine the author or maker as if
7 under cross-examination. The provisions of Section 2-1101
8 of the Code of Civil Procedure shall be applicable to
9 arbitration hearings, and it shall be the duty of a party
10 requesting the subpoena to modify the form to show that
11 the appearance is set before an arbitration panel and to
12 give the time and place set for the hearing.

13 (D) The provisions of Section 2-1102 of the Code of
14 Civil Procedure shall be applicable to arbitration
15 hearings under this subsection.

16 (2) No policy insuring against loss resulting from
17 liability imposed by law for property damage arising out of
18 the ownership, maintenance, or use of a motor vehicle shall be
19 renewed, delivered, or issued for delivery in this State with
20 respect to any private passenger or recreational motor vehicle
21 that is designed for use on public highways and that is either
22 required to be registered in this State or is principally
23 garaged in this State and is not covered by collision
24 insurance under the provisions of such policy, unless coverage
25 is made available in the amount of the actual cash value of the
26 motor vehicle described in the policy or \$15,000 whichever is

1 less, subject to a \$250 deductible, for the protection of
2 persons insured thereunder who are legally entitled to recover
3 damages from owners or operators of uninsured motor vehicles
4 and hit-and-run motor vehicles because of property damage to
5 the motor vehicle described in the policy.

6 There shall be no liability imposed under the uninsured
7 motorist property damage coverage required by this subsection
8 if the owner or operator of the at-fault uninsured motor
9 vehicle or hit-and-run motor vehicle cannot be identified.
10 This subsection shall not apply to any policy which does not
11 provide primary motor vehicle liability insurance for
12 liabilities arising from the maintenance, operation, or use of
13 a specifically insured motor vehicle.

14 Each insurance company providing motor vehicle property
15 damage liability insurance shall advise applicants of the
16 availability of uninsured motor vehicle property damage
17 coverage, the premium therefor, and provide a brief
18 description of the coverage. That information need be given
19 only once and shall not be required in any subsequent renewal,
20 reinstatement or reissuance, substitute, amended, replacement
21 or supplementary policy. No written rejection shall be
22 required, and the absence of a premium payment for uninsured
23 motor vehicle property damage shall constitute conclusive
24 proof that the applicant or policyholder has elected not to
25 accept uninsured motorist property damage coverage.

26 An insurance company issuing uninsured motor vehicle

1 property damage coverage may provide that:

2 (i) Property damage losses recoverable thereunder
3 shall be limited to damages caused by the actual physical
4 contact of an uninsured motor vehicle with the insured
5 motor vehicle.

6 (ii) There shall be no coverage for loss of use of the
7 insured motor vehicle and no coverage for loss or damage
8 to personal property located in the insured motor vehicle.

9 (iii) Any claim submitted shall include the name and
10 address of the owner of the at-fault uninsured motor
11 vehicle, or a registration number and description of the
12 vehicle, or any other available information to establish
13 that there is no applicable motor vehicle property damage
14 liability insurance.

15 Any dispute with respect to the coverage and the amount of
16 damages shall be submitted for arbitration to the American
17 Arbitration Association and be subject to its rules for the
18 conduct of arbitration hearings or for determination in the
19 following manner: Upon the insured requesting arbitration,
20 each party to the dispute shall select an arbitrator and the 2
21 arbitrators so named shall select a third arbitrator. If such
22 arbitrators are not selected within 45 days from such request,
23 either party may request that the arbitration be submitted to
24 the American Arbitration Association. Any arbitration
25 proceeding under this subsection seeking recovery for property
26 damages shall be subject to the following rules:

1 (A) If at least 60 days' written notice of the
2 intention to offer the following documents in evidence is
3 given to every other party, accompanied by a copy of the
4 document, a party may offer in evidence, without
5 foundation or other proof:

6 (1) property repair bills or estimates, when
7 identified and itemized setting forth the charges for
8 labor and material used or proposed for use in the
9 repair of the property;

10 (2) the written opinion of an opinion witness, the
11 deposition of a witness, and the statement of a
12 witness that the witness would be allowed to express
13 if testifying in person, if the opinion or statement
14 is made by affidavit or by certification as provided
15 in Section 1-109 of the Code of Civil Procedure;

16 (3) any other document not specifically covered by
17 any of the foregoing provisions that is otherwise
18 admissible under the rules of evidence.

19 Any party receiving a notice under this paragraph (A)
20 may apply to the arbitrator or panel of arbitrators, as
21 the case may be, for the issuance of a subpoena directed to
22 the author or maker or custodian of the document that is
23 the subject of the notice, requiring the person subpoenaed
24 to produce copies of any additional documents as may be
25 related to the subject matter of the document that is the
26 subject of the notice. Any such subpoena shall be issued

1 in substantially similar form and served by notice as
2 provided by Illinois Supreme Court Rule 204(a)(4). Any
3 such subpoena shall be returnable not less than 5 days
4 before the arbitration hearing.

5 (B) Notwithstanding the provisions of Supreme Court
6 Rule 213(g), a party who proposes to use a written opinion
7 of an expert or opinion witness or the testimony of an
8 expert or opinion witness at the hearing may do so
9 provided a written notice of that intention is given to
10 every other party not less than 60 days prior to the date
11 of hearing, accompanied by a statement containing the
12 identity of the witness, his or her qualifications, the
13 subject matter, the basis of the witness's conclusions,
14 and his or her opinion.

15 (C) Any other party may subpoena the author or maker
16 of a document admissible under this subsection, at that
17 party's expense, and examine the author or maker as if
18 under cross-examination. The provisions of Section 2-1101
19 of the Code of Civil Procedure shall be applicable to
20 arbitration hearings, and it shall be the duty of a party
21 requesting the subpoena to modify the form to show that
22 the appearance is set before an arbitration panel and to
23 give the time and place set for the hearing.

24 (D) The provisions of Section 2-1102 of the Code of
25 Civil Procedure shall be applicable to arbitration
26 hearings under this subsection.

1 (3) For the purpose of the coverage, the term "uninsured
2 motor vehicle" includes, subject to the terms and conditions
3 of the coverage, a motor vehicle where on, before, or after the
4 ~~accident~~ date of the crash the liability insurer thereof is
5 unable to make payment with respect to the legal liability of
6 its insured within the limits specified in the policy because
7 of the entry by a court of competent jurisdiction of an order
8 of rehabilitation or liquidation by reason of insolvency on or
9 after the ~~accident~~ date of the crash. An insurer's extension
10 of coverage, as provided in this subsection, shall be
11 applicable to all crashes ~~accidents~~ occurring after July 1,
12 1967 during a policy period in which its insured's uninsured
13 motor vehicle coverage is in effect. Nothing in this Section
14 may be construed to prevent any insurer from extending
15 coverage under terms and conditions more favorable to its
16 insureds than is required by this Section.

17 (4) In the event of payment to any person under the
18 coverage required by this Section and subject to the terms and
19 conditions of the coverage, the insurer making the payment
20 shall, to the extent thereof, be entitled to the proceeds of
21 any settlement or judgment resulting from the exercise of any
22 rights of recovery of the person against any person or
23 organization legally responsible for the property damage,
24 bodily injury or death for which the payment is made,
25 including the proceeds recoverable from the assets of the
26 insolvent insurer. With respect to payments made by reason of

1 the coverage described in subsection (3), the insurer making
2 such payment shall not be entitled to any right of recovery
3 against the tortfeasor in excess of the proceeds recovered
4 from the assets of the insolvent insurer of the tortfeasor.

5 (5) This amendatory Act of 1967 (Laws of Illinois 1967,
6 page 875) shall not be construed to terminate or reduce any
7 insurance coverage or any right of any party under this Code in
8 effect before July 1, 1967. Public Act 86-1155 shall not be
9 construed to terminate or reduce any insurance coverage or any
10 right of any party under this Code in effect before its
11 effective date.

12 (6) Failure of the motorist from whom the claimant is
13 legally entitled to recover damages to file the appropriate
14 forms with the Safety Responsibility Section of the Department
15 of Transportation within 120 days of the ~~accident~~ date of the
16 crash shall create a rebuttable presumption that the motorist
17 was uninsured at the time of the injurious occurrence.

18 (7) An insurance carrier may upon good cause require the
19 insured to commence a legal action against the owner or
20 operator of an uninsured motor vehicle before good faith
21 negotiation with the carrier. If the action is commenced at
22 the request of the insurance carrier, the carrier shall pay to
23 the insured, before the action is commenced, all court costs,
24 jury fees and sheriff's fees arising from the action.

25 The changes made by Public Act 90-451 apply to all
26 policies of insurance amended, delivered, issued, or renewed

1 on and after January 1, 1998 (the effective date of Public Act
2 90-451).

3 (8) The changes made by Public Act 98-927 apply to all
4 policies of insurance amended, delivered, issued, or renewed
5 on and after January 1, 2015 (the effective date of Public Act
6 98-927).

7 (Source: P.A. 98-242, eff. 1-1-14; 98-927, eff. 1-1-15;
8 99-642, eff. 7-28-16.)

9 (215 ILCS 5/143a-2) (from Ch. 73, par. 755a-2)

10 Sec. 143a-2. (1) Additional uninsured motor vehicle
11 coverage. No policy insuring against loss resulting from
12 liability imposed by law for bodily injury or death suffered
13 by any person arising out of the ownership, maintenance or use
14 of a motor vehicle shall be renewed or delivered or issued for
15 delivery in this State with respect to any motor vehicle
16 designed for use on public highways and required to be
17 registered in this State unless uninsured motorist coverage as
18 required in Section 143a of this Code is included in an amount
19 equal to the insured's bodily injury liability limits unless
20 specifically rejected by the insured as provided in paragraph
21 (2) of this Section. Each insurance company providing the
22 coverage must provide applicants with a brief description of
23 the coverage and advise them of their right to reject the
24 coverage in excess of the limits set forth in Section 7-203 of
25 the Illinois Vehicle Code. The provisions of this amendatory

1 Act of 1990 apply to policies of insurance applied for after
2 June 30, 1991.

3 (2) Right of rejection of additional uninsured motorist
4 coverage. Any named insured or applicant may reject additional
5 uninsured motorist coverage in excess of the limits set forth
6 in Section 7-203 of the Illinois Vehicle Code by making a
7 written request for limits of uninsured motorist coverage
8 which are less than bodily injury liability limits or a
9 written rejection of limits in excess of those required by
10 law. This election or rejection shall be binding on all
11 persons insured under the policy. In those cases where the
12 insured has elected to purchase limits of uninsured motorist
13 coverage which are less than bodily injury liability limits or
14 to reject limits in excess of those required by law, the
15 insurer need not provide in any renewal, reinstatement,
16 reissuance, substitute, amended, replacement or supplementary
17 policy, coverage in excess of that elected by the insured in
18 connection with a policy previously issued to such insured by
19 the same insurer unless the insured subsequently makes a
20 written request for such coverage.

21 (3) The original document indicating the applicant's
22 selection of uninsured motorist coverage limits shall
23 constitute sufficient evidence of the applicant's selection of
24 uninsured motorist coverage limits. For purposes of this
25 Section any reproduction of the document by means of
26 photograph, photostat, microfiche, computerized optical

1 imaging process, or other similar process or means of
2 reproduction shall be deemed the equivalent of the original
3 document.

4 (4) For the purpose of this Code the term "underinsured
5 motor vehicle" means a motor vehicle whose ownership,
6 maintenance or use has resulted in bodily injury or death of
7 the insured, as defined in the policy, and for which the sum of
8 the limits of liability under all bodily injury liability
9 insurance policies or under bonds or other security required
10 to be maintained under Illinois law applicable to the driver
11 or to the person or organization legally responsible for such
12 vehicle and applicable to the vehicle, is less than the limits
13 for underinsured coverage provided the insured as defined in
14 the policy at the time of the crash ~~accident~~. The limits of
15 liability for an insurer providing underinsured motorist
16 coverage shall be the limits of such coverage, less those
17 amounts actually recovered under the applicable bodily injury
18 insurance policies, bonds or other security maintained on the
19 underinsured motor vehicle.

20 On or after July 1, 1983, no policy insuring against loss
21 resulting from liability imposed by law for bodily injury or
22 death suffered by any person arising out of the ownership,
23 maintenance or use of a motor vehicle shall be renewed or
24 delivered or issued for delivery in this State with respect to
25 any motor vehicle designed for use on public highways and
26 required to be registered in this State unless underinsured

1 motorist coverage is included in such policy in an amount
2 equal to the total amount of uninsured motorist coverage
3 provided in that policy where such uninsured motorist coverage
4 exceeds the limits set forth in Section 7-203 of the Illinois
5 Vehicle Code.

6 The changes made to this subsection (4) by this amendatory
7 Act of the 93rd General Assembly apply to policies issued or
8 renewed on or after December 1, 2004.

9 (5) Scope. Nothing herein shall prohibit an insurer from
10 setting forth policy terms and conditions which provide that
11 if the insured has coverage available under this Section under
12 more than one policy or provision of coverage, any recovery or
13 benefits may be equal to, but may not exceed, the higher of the
14 applicable limits of the respective coverage, and the limits
15 of liability under this Section shall not be increased because
16 of multiple motor vehicles covered under the same policy of
17 insurance. Insurers providing liability coverage on an excess
18 or umbrella basis are neither required to provide, nor are
19 they prohibited from offering or making available coverages
20 conforming to this Section on a supplemental basis.
21 Notwithstanding the provisions of this Section, an insurer
22 shall not be prohibited from solely providing a combination of
23 uninsured and underinsured motorist coverages where the limits
24 of liability under each coverage is in the same amount.

25 (6) Subrogation against underinsured motorists. No insurer
26 shall exercise any right of subrogation under a policy

1 providing additional uninsured motorist coverage against an
2 underinsured motorist where the insurer has been provided with
3 written notice in advance of a settlement between its insured
4 and the underinsured motorist and the insurer fails to advance
5 a payment to the insured, in an amount equal to the tentative
6 settlement, within 30 days following receipt of such notice.

7 (7) A policy which provides underinsured motor vehicle
8 coverage may include a clause which denies payment until the
9 limits of liability or portion thereof under all bodily injury
10 liability insurance policies applicable to the underinsured
11 motor vehicle and its operators have been partially or fully
12 exhausted by payment of judgment or settlement. A judgment or
13 settlement of the bodily injury claim in an amount less than
14 the limits of liability of the bodily injury coverages
15 applicable to the claim shall not preclude the claimant from
16 making an underinsured motorist claim against the underinsured
17 motorist coverage. Any such provision in a policy of insurance
18 shall be inapplicable if the insured, or the legal
19 representative of the insured, and the insurer providing
20 underinsured motor vehicle coverage agree that the insured has
21 suffered bodily injury or death as the result of the negligent
22 operation, maintenance, or use of an underinsured motor
23 vehicle and, without arbitration, agree also on the amount of
24 damages that the insured is legally entitled to collect. The
25 maximum amount payable pursuant to such an underinsured motor
26 vehicle insurance settlement agreement shall not exceed the

1 amount by which the limits of the underinsured motorist
2 coverage exceed the limits of the bodily injury liability
3 insurance of the owner or operator of the underinsured motor
4 vehicle. Any such agreement shall be final as to the amount due
5 and shall be binding upon both the insured and the
6 underinsured motorist insurer regardless of the amount of any
7 judgment, or any settlement reached between any insured and
8 the person or persons responsible for the crash ~~accident~~. No
9 such settlement agreement shall be concluded unless: (i) the
10 insured has complied with all other applicable policy terms
11 and conditions; and (ii) before the conclusion of the
12 settlement agreement, the insured has filed suit against the
13 underinsured motor vehicle owner or operator and has not
14 abandoned the suit, or settled the suit without preserving the
15 rights of the insurer providing underinsured motor vehicle
16 coverage in the manner described in paragraph (6) of this
17 Section.

18 (Source: P.A. 93-762, eff. 7-16-04.)

19 Section 60. The Child Care Act of 1969 is amended by
20 changing Section 5.1 as follows:

21 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

22 Sec. 5.1. (a) The Department shall ensure that no day care
23 center, group home or child care institution as defined in
24 this Act shall on a regular basis transport a child or children

1 with any motor vehicle unless such vehicle is operated by a
2 person who complies with the following requirements:

3 1. is 21 years of age or older;

4 2. currently holds a valid driver's license, which has
5 not been revoked or suspended for one or more traffic
6 violations during the 3 years immediately prior to the
7 date of application;

8 3. demonstrates physical fitness to operate vehicles
9 by submitting the results of a medical examination
10 conducted by a licensed physician;

11 4. has not been convicted of more than 2 offenses
12 against traffic regulations governing the movement of
13 vehicles within a twelve month period;

14 5. has not been convicted of reckless driving or
15 driving under the influence or manslaughter or reckless
16 homicide resulting from the operation of a motor vehicle
17 within the past 3 years;

18 6. has signed and submitted a written statement
19 certifying that he has not, through the unlawful operation
20 of a motor vehicle, caused a crash ~~an accident~~ which
21 resulted in the death of any person within the 5 years
22 immediately prior to the date of application.

23 However, such day care centers, group homes and child care
24 institutions may provide for transportation of a child or
25 children for special outings, functions or purposes that are
26 not scheduled on a regular basis without verification that

1 drivers for such purposes meet the requirements of this
2 Section.

3 (a-5) As a means of ensuring compliance with the
4 requirements set forth in subsection (a), the Department shall
5 implement appropriate measures to verify that every individual
6 who is employed at a group home or child care institution meets
7 those requirements.

8 For every individual employed at a group home or child
9 care institution who regularly transports children in the
10 course of performing his or her duties, the Department must
11 make the verification every 2 years. Upon the Department's
12 request, the Secretary of State shall provide the Department
13 with the information necessary to enable the Department to
14 make the verifications required under subsection (a).

15 In the case of an individual employed at a group home or
16 child care institution who becomes subject to subsection (a)
17 for the first time after the effective date of this amendatory
18 Act of the 94th General Assembly, the Department must make
19 that verification with the Secretary of State before the
20 individual operates a motor vehicle to transport a child or
21 children under the circumstances described in subsection (a).

22 In the case of an individual employed at a group home or
23 child care institution who is subject to subsection (a) on the
24 effective date of this amendatory Act of the 94th General
25 Assembly, the Department must make that verification with the
26 Secretary of State within 30 days after that effective date.

1 If the Department discovers that an individual fails to
2 meet the requirements set forth in subsection (a), the
3 Department shall promptly notify the appropriate group home or
4 child care institution.

5 (b) Any individual who holds a valid Illinois school bus
6 driver permit issued by the Secretary of State pursuant to The
7 Illinois Vehicle Code, and who is currently employed by a
8 school district or parochial school, or by a contractor with a
9 school district or parochial school, to drive a school bus
10 transporting children to and from school, shall be deemed in
11 compliance with the requirements of subsection (a).

12 (c) The Department may, pursuant to Section 8 of this Act,
13 revoke the license of any day care center, group home or child
14 care institution that fails to meet the requirements of this
15 Section.

16 (d) A group home or child care institution that fails to
17 meet the requirements of this Section is guilty of a petty
18 offense and is subject to a fine of not more than \$1,000. Each
19 day that a group home or child care institution fails to meet
20 the requirements of this Section is a separate offense.

21 (Source: P.A. 94-943, eff. 1-1-07.)

22 Section 65. The Liquor Control Act of 1934 is amended by
23 changing Section 6-29.1 as follows:

24 (235 ILCS 5/6-29.1)

1 Sec. 6-29.1. Direct shipments of alcoholic liquor.

2 (a) The General Assembly makes the following findings:

3 (1) The General Assembly of Illinois, having reviewed
4 this Act in light of the United States Supreme Court's
5 2005 decision in *Granholm v. Heald*, has determined to
6 conform that law to the constitutional principles
7 enunciated by the Court in a manner that best preserves
8 the temperance, revenue, and orderly distribution values
9 of this Act.

10 (2) Minimizing automobile crashes ~~accidents~~ and
11 fatalities, domestic violence, health problems, loss of
12 productivity, unemployment, and other social problems
13 associated with dependency and improvident use of
14 alcoholic beverages remains the policy of Illinois.

15 (3) To the maximum extent constitutionally feasible,
16 Illinois desires to collect sufficient revenue from excise
17 and use taxes on alcoholic beverages for the purpose of
18 responding to such social problems.

19 (4) Combined with family education and individual
20 discipline, retail validation of age, and assessment of
21 the capacity of the consumer remains the best pre-sale
22 social protection against the problems associated with the
23 abuse of alcoholic liquor.

24 (5) Therefore, the paramount purpose of this
25 amendatory Act is to continue to carefully limit direct
26 shipment sales of wine produced by makers of wine and to

1 continue to prohibit such direct shipment sales for
2 spirits and beer.

3 For these reasons, the Commission shall establish a system
4 to notify the out-of-state trade of this prohibition and to
5 detect violations. The Commission shall request the Attorney
6 General to extradite any offender.

7 (b) Pursuant to the Twenty-First Amendment of the United
8 States Constitution allowing states to regulate the
9 distribution and sale of alcoholic liquor and pursuant to the
10 federal Webb-Kenyon Act declaring that alcoholic liquor
11 shipped in interstate commerce must comply with state laws,
12 the General Assembly hereby finds and declares that selling
13 alcoholic liquor from a point outside this State through
14 various direct marketing means, such as catalogs, newspapers,
15 mailers, and the Internet, directly to residents of this State
16 poses a serious threat to the State's efforts to prevent
17 youths from accessing alcoholic liquor; to State revenue
18 collections; and to the economy of this State.

19 Any person manufacturing, distributing, or selling
20 alcoholic liquor who knowingly ships or transports or causes
21 the shipping or transportation of any alcoholic liquor from a
22 point outside this State to a person in this State who does not
23 hold a manufacturer's, distributor's, importing distributor's,
24 or non-resident dealer's license issued by the Liquor Control
25 Commission, other than a shipment of sacramental wine to a
26 bona fide religious organization, a shipment authorized by

1 Section 6-29, subparagraph (17) of Section 3-12, or any other
2 shipment authorized by this Act, is in violation of this Act.

3 The Commission, upon determining, after investigation,
4 that a person has violated this Section, shall give notice to
5 the person by certified mail to cease and desist all shipments
6 of alcoholic liquor into this State and to withdraw from this
7 State within 5 working days after receipt of the notice all
8 shipments of alcoholic liquor then in transit. A person who
9 violates the cease and desist notice is subject to the
10 applicable penalties in subsection (a) of Section 10-1 of this
11 Act.

12 (Source: P.A. 99-904, eff. 1-1-17.)

13 Section 70. The Suicide Prevention, Education, and
14 Treatment Act is amended by changing Section 5 as follows:

15 (410 ILCS 53/5)

16 Sec. 5. Legislative findings. The General Assembly makes
17 the following findings:

18 (1) 1,474 Illinoisans lost their lives to suicide in
19 2017. During 2016, suicide was the eleventh leading cause
20 of death in Illinois, causing more deaths than homicide,
21 motor vehicle crashes ~~accidents~~, accidental falls, and
22 numerous prevalent diseases, including liver disease,
23 hypertension, influenza/pneumonia, Parkinson's disease,
24 and HIV. Suicide was the third leading cause of death of

1 ages 15 to 34 and the fourth leading cause of death of ages
2 35 to 54. Those living outside of urban areas are
3 particularly at risk for suicide, with a rate that is 50%
4 higher than those living in urban areas.

5 (2) For every person who dies by suicide, more than 30
6 others attempt suicide.

7 (3) Each suicide attempt and death impacts countless
8 other individuals. Family members, friends, co-workers,
9 and others in the community all suffer the long-lasting
10 consequences of suicidal behaviors.

11 (4) Suicide attempts and deaths by suicide have an
12 economic impact on Illinois. The National Center for
13 Injury Prevention and Control estimates that in 2010 each
14 suicide death in Illinois resulted in \$1,181,549 in
15 medical costs and work loss costs. It also estimated that
16 each hospitalization for self-harm resulted in \$31,019 in
17 medical costs and work loss costs and each emergency room
18 visit for self-harm resulted in \$4,546 in medical costs
19 and work loss costs.

20 (5) In 2004, the Illinois General Assembly passed the
21 Suicide Prevention, Education, and Treatment Act (Public
22 Act 93-907), which required the Illinois Department of
23 Public Health to establish the Illinois Suicide Prevention
24 Strategic Planning Committee to develop the Illinois
25 Suicide Prevention Strategic Plan. That law required the
26 use of the 2002 United States Surgeon General's National

1 Suicide Prevention Strategy as a model for the Plan.
2 Public Act 95-109 changed the name of the committee to the
3 Illinois Suicide Prevention Alliance. The Illinois Suicide
4 Prevention Strategic Plan was submitted in 2007 and
5 updated in 2018.

6 (6) In 2004, there were 1,028 suicide deaths in
7 Illinois, which the Centers for Disease Control reports
8 was an age-adjusted rate of 8.11 deaths per 100,000. The
9 Centers for Disease Control reports that the 1,474 suicide
10 deaths in 2017 result in an age-adjusted rate of 11.19
11 deaths per 100,000. Thus, since the enactment of Public
12 Act 93-907, the rate of suicides in Illinois has risen by
13 38%.

14 (7) Since the enactment of Public Act 93-907, there
15 have been numerous developments in suicide prevention,
16 including the issuance of the 2012 National Strategy for
17 Suicide Prevention by the United States Surgeon General
18 and the National Action Alliance for Suicide Prevention
19 containing new strategies and recommended activities for
20 local governmental bodies.

21 (8) Despite the obvious impact of suicide on Illinois
22 citizens, Illinois has devoted minimal resources to its
23 prevention. There is no full-time coordinator or director
24 of suicide prevention activities in the State. Moreover,
25 the Suicide Prevention Strategic Plan is still modeled on
26 the now obsolete 2002 National Suicide Prevention

1 Strategy.

2 (9) It is necessary to revise the Suicide Prevention
3 Strategic Plan to reflect the most current National
4 Suicide Prevention Strategy as well as current research
5 and experience into the prevention of suicide.

6 (10) One of the goals adopted in the 2012 National
7 Strategy for Suicide Prevention is to promote suicide
8 prevention as a core component of health care services so
9 there is an active engagement of health and social
10 services, as well as the coordination of care across
11 multiple settings, thereby ensuring continuity of care and
12 promoting patient safety.

13 (11) Integrating suicide prevention into behavioral
14 and physical health care services can save lives. National
15 data indicate that: over 30% of individuals are receiving
16 mental health care at the time of their deaths by suicide;
17 45% have seen their primary care physicians within one
18 month of their deaths; and 25% of those who die of suicide
19 visited an emergency department in the year prior to their
20 deaths.

21 (12) The Zero Suicide model is a part of the National
22 Strategy for Suicide Prevention, a priority of the
23 National Action Alliance for Suicide Prevention, and a
24 project of the Suicide Prevention Resource Center that
25 implements the goal of making suicide prevention a core
26 component of health care services.

1 (13) The Zero Suicide model is built on the
2 foundational belief and aspirational goal that suicide
3 deaths of individuals who are under the care of our health
4 care systems are preventable with the adoption of
5 comprehensive training, patient engagement, transition,
6 and quality improvement.

7 (14) Health care systems, including mental and
8 behavioral health systems and hospitals, that have
9 implemented the Zero Suicide model have noted significant
10 reductions in suicide deaths for patients within their
11 care.

12 (15) The Suicide Prevention Resource Center
13 facilitates adoption of the Zero Suicide model by
14 providing comprehensive information, resources, and tools
15 for its implementation.

16 (Source: P.A. 101-331, eff. 8-9-19.)

17 Section 75. The Compassionate Use of Medical Cannabis
18 Program Act is amended by changing Section 5 as follows:

19 (410 ILCS 130/5)

20 Sec. 5. Findings.

21 (a) The recorded use of cannabis as a medicine goes back
22 nearly 5,000 years. Modern medical research has confirmed the
23 beneficial uses of cannabis in treating or alleviating the
24 pain, nausea, and other symptoms associated with a variety of

1 debilitating medical conditions, including cancer, multiple
2 sclerosis, and HIV/AIDS, as found by the National Academy of
3 Sciences' Institute of Medicine in March 1999.

4 (b) Studies published since the 1999 Institute of Medicine
5 report continue to show the therapeutic value of cannabis in
6 treating a wide array of debilitating medical conditions.
7 These include relief of the neuropathic pain caused by
8 multiple sclerosis, HIV/AIDS, and other illnesses that often
9 fail to respond to conventional treatments and relief of
10 nausea, vomiting, and other side effects of drugs used to
11 treat HIV/AIDS and hepatitis C, increasing the chances of
12 patients continuing on life-saving treatment regimens.

13 (c) Cannabis has many currently accepted medical uses in
14 the United States, having been recommended by thousands of
15 licensed physicians to at least 600,000 patients in states
16 with medical cannabis laws. The medical utility of cannabis is
17 recognized by a wide range of medical and public health
18 organizations, including the American Academy of HIV Medicine,
19 the American College of Physicians, the American Nurses
20 Association, the American Public Health Association, the
21 Leukemia & Lymphoma Society, and many others.

22 (d) Data from the Federal Bureau of Investigation's
23 Uniform Crime Reports and the Compendium of Federal Justice
24 Statistics show that approximately 99 out of every 100
25 cannabis arrests in the U.S. are made under state law, rather
26 than under federal law. Consequently, changing State law will

1 have the practical effect of protecting from arrest the vast
2 majority of seriously ill patients who have a medical need to
3 use cannabis.

4 (d-5) In 2014, the Task Force on Veterans' Suicide was
5 created by the Illinois General Assembly to gather data on
6 veterans' suicide prevention. Data from a U.S. Department of
7 Veterans Affairs study indicates that 22 veterans commit
8 suicide each day.

9 (d-10) According to the State of Illinois Opioid Action
10 Plan released in September 2017, "The opioid epidemic is the
11 most significant public health and public safety crisis facing
12 Illinois". According to the Action Plan, "Fueled by the
13 growing opioid epidemic, drug overdoses have now become the
14 leading cause of death nationwide for people under the age of
15 50. In Illinois, opioid overdoses have killed nearly 11,000
16 people since 2008. Just last year, nearly 1,900 people died of
17 overdoses—almost twice the number of fatal car crashes
18 ~~accidents~~. Beyond these deaths are thousands of emergency
19 department visits, hospital stays, as well as the pain
20 suffered by individuals, families, and communities".

21 According to the Action Plan, "At the current rate, the
22 opioid epidemic will claim the lives of more than 2,700
23 Illinoisans in 2020".

24 Further, the Action Plan states, "Physical tolerance to
25 opioids can begin to develop as early as two to three days
26 following the continuous use of opioids, which is a large

1 factor that contributes to their addictive potential".

2 The 2017 State of Illinois Opioid Action Plan also states,
3 "The increase in OUD [opioid use disorder] and opioid overdose
4 deaths is largely due to the dramatic rise in the rate and
5 amount of opioids prescribed for pain over the past decades".

6 Further, according to the Action Plan, "In the absence of
7 alternative treatments, reducing the supply of prescription
8 opioids too abruptly may drive more people to switch to using
9 illicit drugs (including heroin), thus increasing the risk of
10 overdose".

11 (e) Alaska, Arizona, California, Colorado, Connecticut,
12 Delaware, Hawaii, Maine, Massachusetts, Michigan, Montana,
13 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont,
14 Washington, and Washington, D.C. have removed state-level
15 criminal penalties from the medical use and cultivation of
16 cannabis. Illinois joins in this effort for the health and
17 welfare of its citizens.

18 (f) States are not required to enforce federal law or
19 prosecute people for engaging in activities prohibited by
20 federal law. Therefore, compliance with this Act does not put
21 the State of Illinois in violation of federal law.

22 (g) State law should make a distinction between the
23 medical and non-medical uses of cannabis. Hence, the purpose
24 of this Act is to protect patients with debilitating medical
25 conditions, as well as their physicians and providers, from
26 arrest and prosecution, criminal and other penalties, and

1 property forfeiture if the patients engage in the medical use
2 of cannabis.

3 (Source: P.A. 99-519, eff. 6-30-16; 100-1114, eff. 8-28-18.)

4 Section 80. The Burn Injury Reporting Act is amended by
5 changing Section 5 as follows:

6 (425 ILCS 7/5)

7 Sec. 5. Burn injury reporting.

8 (a) Every case of a burn injury treated in a hospital as
9 described in this Act may be reported to the Office of the
10 State Fire Marshal. The hospital's administrator, manager,
11 superintendent, or his or her designee deciding to report
12 under this Act shall make an oral report of every burn injury
13 in a timely manner as soon as treatment permits, except as
14 provided in subsection (c) of this Section, that meets one of
15 the following criteria:

16 (1) a person receives a serious second-degree burn or
17 a third degree burn, but not a radiation burn, to 10% or
18 more of the person's body as a whole;

19 (2) a person sustains a burn to the upper respiratory
20 tract or occurring laryngeal edema due to the inhalation
21 of superheated air;

22 (3) a person sustains any burn injury likely to result
23 in death; or

24 (4) a person sustains any other burn injury not

1 excluded by subsection (c).

2 (b) The oral report shall consist of notification by
3 telephone to the Office of the State Fire Marshal using a
4 toll-free number established by the Office of the State Fire
5 Marshal for this purpose.

6 (c) A hospital's administrator, manager, superintendent,
7 or his or her designee deciding to report under this Act shall
8 not report any of the following burn injuries:

9 (1) a burn injury of an emergency medical responder,
10 as defined in Section 3.50 of the Emergency Medical
11 Services (EMS) Systems Act, sustained in the line of duty;

12 (2) a burn injury caused by lighting;

13 (3) a burn injury caused by a motor vehicle crash
14 ~~accident~~; or

15 (4) a burn injury caused by an identifiable industrial
16 accident or work-related accident.

17 (Source: P.A. 98-973, eff. 8-15-14.)

18 Section 85. The Illinois Public Health and Safety Animal
19 Population Control Act is amended by changing Section 5 as
20 follows:

21 (510 ILCS 92/5)

22 Sec. 5. Findings. The General Assembly finds the
23 following:

24 (1) Controlling the dog and cat population would have

1 a significant benefit to the public health and safety by
2 aiding in the prevention of dog attacks, reducing the
3 number of dog and cat bite cases involving children, and
4 decreasing the number of automobile crashes ~~accidents~~
5 caused by stray dogs and cats.

6 (2) Increasing the number of rabies-vaccinated, owned
7 pets in low-income areas will reduce potential threats to
8 public health and safety from rabies.

9 (3) Controlling the dog and cat population will save
10 taxpayer dollars by reducing the number of dogs and cats
11 handled by county and municipal animal control agencies.
12 Targeted low-cost spay or neuter programs for dogs and
13 cats in select Illinois counties and other states have
14 proven to save taxpayers money.

15 (4) This Act is established to provide a variety of
16 means by which population control and rabies vaccinations
17 may be financed.

18 (Source: P.A. 94-639, eff. 8-22-05.)

19 Section 90. The Illinois Highway Code is amended by
20 changing Section 1-102 as follows:

21 (605 ILCS 5/1-102) (from Ch. 121, par. 1-102)

22 Sec. 1-102. It is the intent and declared policy of the
23 legislature that an integrated system of highways and streets
24 is essential to the general welfare and to the agricultural,

1 industrial, recreational, and social development of the State.
2 In view of the rapid growth of the State's economy and
3 increased use of public highways, the provision of safe and
4 efficient highway transportation is a matter of public
5 concern. It is the declared and continuous policy of the
6 legislature to provide for improvement of highways and the
7 highway transportation system as well as the preservation of
8 investment in highways. To that end it is intended to provide
9 for integrated and systematic planning and orderly development
10 in accordance with actual needs. It is further declared that
11 the provision of such a system with efficient management,
12 operation, and control, and the elimination of congestion,
13 crash ~~accident~~ reduction, and safety is an urgent problem and
14 proper objective of highway legislation. It is further
15 declared that highway transportation system development
16 requires the cooperation of State, county, township, and
17 municipal highway agencies and coordination of their
18 activities on a continuous and partnership basis and the
19 legislature intends such cooperative relationships to
20 accomplish this purpose.

21 It is also the intent and declared policy of the
22 legislature that no public moneys derived from fees, excises
23 or license taxes relating to registration, operation and use
24 of vehicles on public highways or to fuels used for the
25 propulsion of such vehicles, shall be appropriated or expended
26 other than for costs of administering the laws imposing such

1 fees, excises and license taxes, statutory refunds and
2 adjustments allowed thereunder, highway administrative costs,
3 payment of debts and liabilities incurred in construction and
4 reconstruction of public highways and bridges, acquisition of
5 rights-of-way for, and the cost of construction,
6 reconstruction, maintenance, repair and operation of public
7 highways and bridges under the direction and supervision of
8 the State, political subdivision or municipality collecting
9 such moneys, and the costs for patrolling and policing the
10 public highways (by State, political subdivision or
11 municipality collecting such money) for enforcement of traffic
12 laws. The separation of grades of such highways with railroads
13 and costs associated with protection of at-grade highway and
14 railroad crossings shall also be permissible.

15 (Source: P.A. 81-2nd S.S.-3.)

16 Section 95. The Toll Highway Act is amended by changing
17 Section 19.1 as follows:

18 (605 ILCS 10/19.1)

19 Sec. 19.1. Confidentiality of personally identifiable
20 information obtained through electronic toll collection
21 system.

22 (a) For purposes of this Section:

23 "Electronic toll collection system" is a system where a
24 transponder, camera-based vehicle identification system, or

1 other electronic medium is used to deduct payment of a toll
2 from a subscriber's account or to establish an obligation to
3 pay a toll.

4 "Electronic toll collection system user" means any natural
5 person who subscribes to an electronic toll collection system
6 or any natural person who uses a tolled transportation
7 facility that employs the Authority's electronic toll
8 collection system.

9 "Personally identifiable information" means any
10 information that identifies or describes an electronic toll
11 collection system user, including but not limited to travel
12 pattern data, address, telephone number, e-mail address,
13 license plate number, photograph, bank account information, or
14 credit card number.

15 (b) Except as otherwise provided in this Section, the
16 Authority may not sell or otherwise provide to any person or
17 entity personally identifiable information of any electronic
18 toll collection system user that the Authority obtains through
19 the operation of its electronic toll collection system.

20 (c) The Authority may, within practical business and cost
21 constraints, store personally identifiable information of an
22 electronic toll collection system user only if the information
23 is required to perform account functions such as billing,
24 account settlement, or toll violation enforcement activities.

25 (d) By no later than December 31, 2011, the Authority
26 shall establish a privacy policy regarding the collection and

1 use of personally identifiable information. Upon its adoption,
2 the policy shall be posted on the Authority's website and a
3 copy shall be included with each transponder transmitted to a
4 user. The policy shall include but need not be limited to the
5 following:

6 (1) A description of the types of personally
7 identifiable information collected by the Authority.

8 (2) The categories of third-party persons or entities
9 with whom the Authority may share personally identifiable
10 information and for what purposes that information is
11 shared.

12 (3) The process by which the Authority notifies
13 electronic toll collection system users of material
14 changes to its privacy policy.

15 (4) The process by which an electronic toll collection
16 system user may review and request changes to any of his or
17 her personally identifiable information.

18 (5) The effective date of the privacy policy.

19 (e) This Section does not prohibit the Authority from:

20 (1) providing aggregated traveler information derived
21 from collective data relating to a group or category of
22 electronic toll collection system users from which
23 personally identifiable information has been removed;

24 (2) sharing data with another transportation agency or
25 third-party vendor to comply with interoperability
26 specifications and standards regarding electronic toll

1 collection devices and technologies, provided that the
2 other transportation agency or third-party vendor may not
3 use personally identifiable information obtained under
4 this Section for a purpose other than described in this
5 Section;

6 (3) performing financial, legal and accounting
7 functions such as billing, account settlement, toll
8 violation enforcement, or other activities required to
9 operate and manage its toll collection system;

10 (4) communicating about products and services offered
11 by itself, a business partner, or another public agency;

12 (5) using personally identifiable information in
13 research projects, provided that appropriate
14 confidentiality restrictions are employed to protect
15 against the unauthorized release of such information;

16 (6) releasing personally identifiable information in
17 response to a warrant, subpoena or lawful order from a
18 court of competent jurisdiction;

19 (7) releasing personally identifiable information to
20 law enforcement agencies in the case of an emergency when
21 obtaining a warrant or subpoena would be impractical; and

22 (8) releasing personally identifiable information to
23 the Authority's Inspector General or, at the Inspector
24 General's direction, to law enforcement agencies under
25 paragraphs (5) and (6) of subsection (f) of Section 8.5 of
26 this Act.

1 (f) In any agreement allowing another public entity to use
2 the Authority's toll collection system in a transportation
3 facility, the Authority shall require the other public entity
4 to comply with the requirements of this Section.

5 (g) Personally identifiable information generated through
6 the Authority's toll collection process that reveals the date,
7 time, location or direction of travel by an electronic toll
8 collection system user shall be exempt from release under the
9 Illinois Freedom of Information Act. The exemption in this
10 subsection shall not apply to information that concerns (i)
11 the public duties of public employees and officials; (ii)
12 whether an electronic toll collection system user has paid
13 tolls; (iii) whether the Authority is enforcing toll violation
14 penalties against electronic toll collection users who do not
15 pay tolls; (iv) crashes ~~accidents~~ or other incidents that
16 occur on highways under the jurisdiction of the Authority; or
17 (v) the obligation, receipt, and use of the funds of the
18 Authority. The exemption in this subsection (g) shall not be a
19 limitation or restriction on other Freedom of Information Act
20 exemptions applicable to personally identifiable information
21 or private information.

22 (Source: P.A. 97-342, eff. 8-12-11.)

23 Section 100. The Roadside Memorial Act is amended by
24 changing Section 23.1 as follows:

1 (605 ILCS 125/23.1)

2 Sec. 23.1. Fatal crash ~~accident~~ memorial marker program.

3 (a) The fatal crash ~~accident~~ memorial marker program is
4 intended to raise public awareness of traffic fatalities
5 caused by reckless driving or other means by emphasizing the
6 dangers while affording families an opportunity to remember
7 the victims of traffic crashes.

8 (b) As used in this Section, "fatal crash ~~accident~~
9 memorial marker" means a marker on a highway in this State
10 commemorating one or more persons who died as a proximate
11 result of a crash caused by a driver who committed an act of
12 reckless homicide in violation of Section 9-3 or 9-3.2 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 or who
14 otherwise caused the death of one or more persons through the
15 operation of a motor vehicle.

16 (c) For purposes of the fatal crash ~~accident~~ memorial
17 marker program in this Section, the provisions of Section 15
18 of this Act applicable to DUI memorial markers shall apply the
19 same to fatal crash ~~accident~~ memorial markers.

20 (d) A fatal crash ~~accident~~ memorial marker shall consist
21 of a white on blue panel bearing the message "Reckless Driving
22 Costs Lives" if the victim or victims died as a proximate
23 result of a crash caused by a driver who committed an act of
24 reckless homicide in violation of Section 9-3 or 9-3.2 of the
25 Criminal Code of 1961 or the Criminal Code of 2012. Otherwise,
26 a fatal crash ~~accident~~ memorial marker shall consist of a

1 white on blue panel bearing the message "Drive With Care". At
2 the request of the qualified relative, a separate panel
3 bearing the words "In Memory of (victim's name)", followed by
4 the date of the crash that was the proximate cause of the loss
5 of the victim's life, shall be mounted below the primary
6 panel.

7 (e) A fatal crash ~~accident~~ memorial marker may memorialize
8 more than one victim who died as a result of the same crash. If
9 one or more additional deaths subsequently occur in close
10 proximity to an existing fatal crash ~~accident~~ memorial marker,
11 the supporting jurisdiction may use the same marker to
12 memorialize the subsequent death or deaths, by adding the
13 names of the additional persons.

14 (f) A fatal crash ~~accident~~ memorial marker shall be
15 maintained for at least 2 years from the date the last person
16 was memorialized on the marker.

17 (g) The supporting jurisdiction has the right to install a
18 marker at a location other than the location of the crash or to
19 relocate a marker due to restricted room, property owner
20 complaints, interference with essential traffic control
21 devices, safety concerns, or other restrictions. In these
22 cases, the sponsoring jurisdiction may select an alternate
23 location.

24 (h) The Department shall secure the consent of any
25 municipality before placing a fatal crash ~~accident~~ memorial
26 marker within the corporate limits of the municipality.

1 (i) A fee in an amount to be determined by the supporting
2 jurisdiction shall be charged to the qualified relative. The
3 fee shall not exceed the costs associated with the
4 fabrication, installation, and maintenance of the fatal crash
5 ~~accident~~ memorial marker.

6 (j) The provisions of this Section shall apply to any
7 fatal crash ~~accident~~ marker constructed on or after January 1,
8 2013.

9 (Source: P.A. 102-60, eff. 7-9-21.)

10 Section 105. The Illinois Vehicle Code is amended by
11 changing Sections 1-146.5, 1-159.2, 1-164.5, 1-187.001,
12 1-197.6, 2-118.1, 2-123, 4-203, 5-101, 5-101.1, 5-102,
13 5-102.8, 6-101, 6-106.1, 6-106.1a, 6-106.2, 6-106.3, 6-106.4,
14 6-107, 6-107.5, 6-108.1, 6-113, 6-117, 6-117.2, 6-201, 6-205,
15 6-206, 6-208.1, 6-303, 6-402, 6-420, 6-500, 6-500.2, 6-514,
16 6-516, 6-703, 6-1002, 6-1004, 6-1009, 7-201, 7-201.1, 7-201.2,
17 7-202, 7-203, 7-204, 7-208, 7-209, 7-211, 7-212, 7-214, 7-216,
18 7-303, 7-309, 7-310, 7-311, 7-316, 7-317, 7-328, 7-329, 7-502,
19 7-504, 7-604, 9-105, 10-201, 11-208.6, 11-208.9, 11-401,
20 11-402, 11-403, 11-404, 11-407, 11-408, 11-409, 11-411,
21 11-412, 11-413, 11-414, 11-415, 11-416, 11-417, 11-501,
22 11-501.1, 11-501.2, 11-501.4-1, 11-501.6, 11-501.7, 11-501.8,
23 11-506, 11-610, 11-1431, 12-215, 12-604.1, 12-610.1, 12-610.2,
24 12-707.01, 13-109, 13-111, 15-301, 16-108, 18a-301, 18b-105,
25 18b-108, 18c-6502, 18c-7402, and 20-202 and the headings of

1 Article II of Chapter 7 and Article IV of Chapter 11 and by
2 adding Section 20-205 as follows:

3 (625 ILCS 5/1-146.5)

4 Sec. 1-146.5. Motor vehicle crash ~~accident~~ data. Any
5 information generated from a motor vehicle crash ~~accident~~
6 report or supplemental report, but shall not include a copy of
7 the motor vehicle crash ~~accident~~ report or supplemental
8 report, personally identifying information as defined in
9 Section 1-159.2 of this Code, or any other information
10 disclosure of which is prohibited by law.

11 (Source: P.A. 100-96, eff. 1-1-18.)

12 (625 ILCS 5/1-159.2)

13 Sec. 1-159.2. Personally identifying information.
14 Information that identifies an individual, including his or
15 her driver's license number, name, address (but not the 5
16 digit zip code), date of birth, height, weight, hair color,
17 eye color, email address, and telephone number, but
18 "personally identifying information" does not include
19 information on vehicular crashes ~~accidents~~, driving
20 violations, and driver's status.

21 (Source: P.A. 101-326, eff. 8-9-19.)

22 (625 ILCS 5/1-164.5)

23 Sec. 1-164.5. Proof of financial responsibility. Proof of

1 ability to respond in damages for any liability thereafter
2 incurred resulting from the ownership, maintenance, use or
3 operation of a motor vehicle for bodily injury to or death of
4 any person in the amount of \$25,000, and subject to this limit
5 for any one person injured or killed, in the amount of \$50,000
6 for bodily injury to or death of 2 or more persons in any one
7 crash ~~accident~~, and for damage to property in the amount of
8 \$20,000 resulting from any one crash ~~accident~~. This proof in
9 these amounts shall be furnished for each motor vehicle
10 registered by every person required to furnish this proof. The
11 changes to this Section made by this amendatory Act of the 98th
12 General Assembly apply only to policies issued or renewed on
13 or after January 1, 2015.

14 (Source: P.A. 98-519, eff. 1-1-15.)

15 (625 ILCS 5/1-187.001)

16 Sec. 1-187.001. Serious traffic violation.

17 (a) A conviction when operating a motor vehicle for:

18 (1) a violation of subsection (a) of Section 11-402,
19 relating to a motor vehicle crash ~~accident~~ involving
20 damage to a vehicle;

21 (2) a violation of Section 11-403, relating to failure
22 to stop and exchange information after a motor vehicle
23 collision, property damage only;

24 (3) a violation of subsection (a) of Section 11-502,
25 relating to illegal transportation, possession, or

1 carrying of alcoholic liquor within the passenger area of
2 any vehicle;

3 (4) a violation of Section 6-101 relating to operating
4 a motor vehicle without a valid license or permit;

5 (5) a violation of Section 11-403, relating to failure
6 to stop and exchange information or give aid after a motor
7 vehicle collision involving personal injury or death;

8 (6) a violation relating to excessive speeding,
9 involving a single speeding charge of 26 miles per hour or
10 more above the legal speed limit;

11 (7) a violation relating to reckless driving;

12 (8) a violation of subsection (d) of Section 11-707,
13 relating to passing in a no-passing zone;

14 (9) a violation of subsection (b) of Section 11-1402,
15 relating to limitations on backing upon a controlled
16 access highway;

17 (10) a violation of subsection (b) of Section 11-707,
18 relating to driving on the left side of a roadway in a
19 no-passing zone;

20 (11) a violation of subsection (e) of Section 11-1002,
21 relating to failure to yield the right-of-way to a
22 pedestrian at an intersection;

23 (12) a violation of Section 11-1008, relating to
24 failure to yield to a pedestrian on a sidewalk; or

25 (13) a violation of Section 11-1201, relating to
26 failure to stop for an approaching railroad train or

1 railroad track equipment or signals; or

2 (b) Any other similar violation of a law or local
3 ordinance of any state relating to motor vehicle traffic
4 control, other than a parking violation.

5 (c) A violation of any of these defined serious traffic
6 offenses shall not preclude the defendant from being eligible
7 to receive an order of court supervision under Section 5-6-1
8 of the Unified Code of Corrections.

9 (Source: P.A. 98-511, eff. 1-1-14.)

10 (625 ILCS 5/1-197.6)

11 Sec. 1-197.6. Statutory summary revocation of driving
12 privileges. The revocation by the Secretary of State of a
13 person's license or privilege to operate a motor vehicle on
14 the public highways for the period provided in Section
15 6-208.1. Reinstatement after the revocation period shall occur
16 after the person has been approved for reinstatement through
17 an administrative hearing with the Secretary of State, has
18 filed proof of financial responsibility, has paid the
19 reinstatement fee as provided in Section 6-118, and has
20 successfully completed all necessary examinations. The basis
21 for this revocation of driving privileges shall be the
22 individual's refusal to submit to or failure to complete a
23 chemical test or tests following an arrest for the offense of
24 driving under the influence of alcohol, other drugs, or
25 intoxicating compounds, or any combination thereof involving a

1 motor vehicle crash ~~accident~~ that caused personal injury or
2 death to another, as provided in Section 11-501.1 of this
3 Code.

4 (Source: P.A. 96-1344, eff. 7-1-11.)

5 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

6 Sec. 2-118.1. Opportunity for hearing; statutory summary
7 alcohol or other drug related suspension or revocation
8 pursuant to Section 11-501.1.

9 (a) A statutory summary suspension or revocation of
10 driving privileges under Section 11-501.1 shall not become
11 effective until the person is notified in writing of the
12 impending suspension or revocation and informed that he may
13 request a hearing in the circuit court of venue under
14 paragraph (b) of this Section and the statutory summary
15 suspension or revocation shall become effective as provided in
16 Section 11-501.1.

17 (b) Within 90 days after the notice of statutory summary
18 suspension or revocation served under Section 11-501.1, the
19 person may make a written request for a judicial hearing in the
20 circuit court of venue. The request to the circuit court shall
21 state the grounds upon which the person seeks to have the
22 statutory summary suspension or revocation rescinded. Within
23 30 days after receipt of the written request or the first
24 appearance date on the Uniform Traffic Ticket issued pursuant
25 to a violation of Section 11-501, or a similar provision of a

1 local ordinance, the hearing shall be conducted by the circuit
2 court having jurisdiction. This judicial hearing, request, or
3 process shall not stay or delay the statutory summary
4 suspension or revocation. The hearings shall proceed in the
5 court in the same manner as in other civil proceedings.

6 The hearing may be conducted upon a review of the law
7 enforcement officer's own official reports; provided however,
8 that the person may subpoena the officer. Failure of the
9 officer to answer the subpoena shall be considered grounds for
10 a continuance if in the court's discretion the continuance is
11 appropriate.

12 The scope of the hearing shall be limited to the issues of:

13 1. Whether the person was placed under arrest for an
14 offense as defined in Section 11-501, or a similar
15 provision of a local ordinance, as evidenced by the
16 issuance of a Uniform Traffic Ticket, or issued a Uniform
17 Traffic Ticket out of state as provided in subsection (a)
18 of Section 11-501.1; and

19 2. Whether the officer had reasonable grounds to
20 believe that the person was driving or in actual physical
21 control of a motor vehicle upon a highway while under the
22 influence of alcohol, other drug, or combination of both;
23 and

24 3. Whether the person, after being advised by the
25 officer that the privilege to operate a motor vehicle
26 would be suspended or revoked if the person refused to

1 submit to and complete the test or tests, did refuse to
2 submit to or complete the test or tests to determine the
3 person's blood alcohol or drug concentration; or

4 4. Whether the person, after being advised by the
5 officer that the privilege to operate a motor vehicle
6 would be suspended if the person submits to a chemical
7 test, or tests, and the test discloses an alcohol
8 concentration of 0.08 or more, a tetrahydrocannabinol
9 concentration as defined in paragraph 6 of subsection (a)
10 of Section 11-501.2 of this Code, or any amount of a drug,
11 substance, or compound in the person's blood, other bodily
12 substance, or urine resulting from the unlawful use or
13 consumption of a controlled substance listed in the
14 Illinois Controlled Substances Act, an intoxicating
15 compound as listed in the Use of Intoxicating Compounds
16 Act, or methamphetamine as listed in the Methamphetamine
17 Control and Community Protection Act, and the person did
18 submit to and complete the test or tests that determined
19 an alcohol concentration of 0.08 or more.

20 4.2. (Blank).

21 4.5. (Blank).

22 5. If the person's driving privileges were revoked,
23 whether the person was involved in a motor vehicle crash
24 ~~accident~~ that caused Type A injury or death to another.

25 Upon the conclusion of the judicial hearing, the circuit
26 court shall sustain or rescind the statutory summary

1 suspension or revocation and immediately notify the Secretary
2 of State. Reports received by the Secretary of State under
3 this Section shall be privileged information and for use only
4 by the courts, police officers, and Secretary of State.

5 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
6 99-697, eff. 7-29-16.)

7 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

8 Sec. 2-123. Sale and distribution of information.

9 (a) Except as otherwise provided in this Section, the
10 Secretary may make the driver's license, vehicle and title
11 registration lists, in part or in whole, and any statistical
12 information derived from these lists available to local
13 governments, elected state officials, state educational
14 institutions, and all other governmental units of the State
15 and Federal Government requesting them for governmental
16 purposes. The Secretary shall require any such applicant for
17 services to pay for the costs of furnishing such services and
18 the use of the equipment involved, and in addition is
19 empowered to establish prices and charges for the services so
20 furnished and for the use of the electronic equipment
21 utilized.

22 (b) The Secretary is further empowered to and he may, in
23 his discretion, furnish to any applicant, other than listed in
24 subsection (a) of this Section, vehicle or driver data on a
25 computer tape, disk, other electronic format or computer

1 processable medium, or printout at a fixed fee of \$250 for
2 orders received before October 1, 2003 and \$500 for orders
3 received on or after October 1, 2003, in advance, and require
4 in addition a further sufficient deposit based upon the
5 Secretary of State's estimate of the total cost of the
6 information requested and a charge of \$25 for orders received
7 before October 1, 2003 and \$50 for orders received on or after
8 October 1, 2003, per 1,000 units or part thereof identified or
9 the actual cost, whichever is greater. The Secretary is
10 authorized to refund any difference between the additional
11 deposit and the actual cost of the request. This service shall
12 not be in lieu of an abstract of a driver's record nor of a
13 title or registration search. This service may be limited to
14 entities purchasing a minimum number of records as required by
15 administrative rule. The information sold pursuant to this
16 subsection shall be the entire vehicle or driver data list, or
17 part thereof. The information sold pursuant to this subsection
18 shall not contain personally identifying information unless
19 the information is to be used for one of the purposes
20 identified in subsection (f-5) of this Section. Commercial
21 purchasers of driver and vehicle record databases shall enter
22 into a written agreement with the Secretary of State that
23 includes disclosure of the commercial use of the information
24 to be purchased.

25 (b-1) The Secretary is further empowered to and may, in
26 his or her discretion, furnish vehicle or driver data on a

1 computer tape, disk, or other electronic format or computer
2 processible medium, at no fee, to any State or local
3 governmental agency that uses the information provided by the
4 Secretary to transmit data back to the Secretary that enables
5 the Secretary to maintain accurate driving records, including
6 dispositions of traffic cases. This information may be
7 provided without fee not more often than once every 6 months.

8 (c) Secretary of State may issue registration lists. The
9 Secretary of State may compile a list of all registered
10 vehicles. Each list of registered vehicles shall be arranged
11 serially according to the registration numbers assigned to
12 registered vehicles and may contain in addition the names and
13 addresses of registered owners and a brief description of each
14 vehicle including the serial or other identifying number
15 thereof. Such compilation may be in such form as in the
16 discretion of the Secretary of State may seem best for the
17 purposes intended.

18 (d) The Secretary of State shall furnish no more than 2
19 current available lists of such registrations to the sheriffs
20 of all counties and to the chiefs of police of all cities and
21 villages and towns of 2,000 population and over in this State
22 at no cost. Additional copies may be purchased by the sheriffs
23 or chiefs of police at the fee of \$500 each or at the cost of
24 producing the list as determined by the Secretary of State.
25 Such lists are to be used for governmental purposes only.

26 (e) (Blank).

1 (e-1) (Blank).

2 (f) The Secretary of State shall make a title or
3 registration search of the records of his office and a written
4 report on the same for any person, upon written application of
5 such person, accompanied by a fee of \$5 for each registration
6 or title search. The written application shall set forth the
7 intended use of the requested information. No fee shall be
8 charged for a title or registration search, or for the
9 certification thereof requested by a government agency. The
10 report of the title or registration search shall not contain
11 personally identifying information unless the request for a
12 search was made for one of the purposes identified in
13 subsection (f-5) of this Section. The report of the title or
14 registration search shall not contain highly restricted
15 personal information unless specifically authorized by this
16 Code.

17 The Secretary of State shall certify a title or
18 registration record upon written request. The fee for
19 certification shall be \$5 in addition to the fee required for a
20 title or registration search. Certification shall be made
21 under the signature of the Secretary of State and shall be
22 authenticated by Seal of the Secretary of State.

23 The Secretary of State may notify the vehicle owner or
24 registrant of the request for purchase of his title or
25 registration information as the Secretary deems appropriate.

26 No information shall be released to the requester until

1 expiration of a 10-day period. This 10-day period shall not
2 apply to requests for information made by law enforcement
3 officials, government agencies, financial institutions,
4 attorneys, insurers, employers, automobile associated
5 businesses, persons licensed as a private detective or firms
6 licensed as a private detective agency under the Private
7 Detective, Private Alarm, Private Security, Fingerprint
8 Vendor, and Locksmith Act of 2004, who are employed by or are
9 acting on behalf of law enforcement officials, government
10 agencies, financial institutions, attorneys, insurers,
11 employers, automobile associated businesses, and other
12 business entities for purposes consistent with the Illinois
13 Vehicle Code, the vehicle owner or registrant or other
14 entities as the Secretary may exempt by rule and regulation.

15 Any misrepresentation made by a requester of title or
16 vehicle information shall be punishable as a petty offense,
17 except in the case of persons licensed as a private detective
18 or firms licensed as a private detective agency which shall be
19 subject to disciplinary sanctions under Section 40-10 of the
20 Private Detective, Private Alarm, Private Security,
21 Fingerprint Vendor, and Locksmith Act of 2004.

22 (f-5) The Secretary of State shall not disclose or
23 otherwise make available to any person or entity any
24 personally identifying information obtained by the Secretary
25 of State in connection with a driver's license, vehicle, or
26 title registration record unless the information is disclosed

1 for one of the following purposes:

2 (1) For use by any government agency, including any
3 court or law enforcement agency, in carrying out its
4 functions, or any private person or entity acting on
5 behalf of a federal, State, or local agency in carrying
6 out its functions.

7 (2) For use in connection with matters of motor
8 vehicle or driver safety and theft; motor vehicle
9 emissions; motor vehicle product alterations, recalls, or
10 advisories; performance monitoring of motor vehicles,
11 motor vehicle parts, and dealers; and removal of non-owner
12 records from the original owner records of motor vehicle
13 manufacturers.

14 (3) For use in the normal course of business by a
15 legitimate business or its agents, employees, or
16 contractors, but only:

17 (A) to verify the accuracy of personal information
18 submitted by an individual to the business or its
19 agents, employees, or contractors; and

20 (B) if such information as so submitted is not
21 correct or is no longer correct, to obtain the correct
22 information, but only for the purposes of preventing
23 fraud by, pursuing legal remedies against, or
24 recovering on a debt or security interest against, the
25 individual.

26 (4) For use in research activities and for use in

1 producing statistical reports, if the personally
2 identifying information is not published, redisclosed, or
3 used to contact individuals.

4 (5) For use in connection with any civil, criminal,
5 administrative, or arbitral proceeding in any federal,
6 State, or local court or agency or before any
7 self-regulatory body, including the service of process,
8 investigation in anticipation of litigation, and the
9 execution or enforcement of judgments and orders, or
10 pursuant to an order of a federal, State, or local court.

11 (6) For use by any insurer or insurance support
12 organization or by a self-insured entity or its agents,
13 employees, or contractors in connection with claims
14 investigation activities, antifraud activities, rating, or
15 underwriting.

16 (7) For use in providing notice to the owners of towed
17 or impounded vehicles.

18 (8) For use by any person licensed as a private
19 detective or firm licensed as a private detective agency
20 under the Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004,
22 private investigative agency or security service licensed
23 in Illinois for any purpose permitted under this
24 subsection.

25 (9) For use by an employer or its agent or insurer to
26 obtain or verify information relating to a holder of a

1 commercial driver's license that is required under chapter
2 313 of title 49 of the United States Code.

3 (10) For use in connection with the operation of
4 private toll transportation facilities.

5 (11) For use by any requester, if the requester
6 demonstrates it has obtained the written consent of the
7 individual to whom the information pertains.

8 (12) For use by members of the news media, as defined
9 in Section 1-148.5, for the purpose of newsgathering when
10 the request relates to the operation of a motor vehicle or
11 public safety.

12 (13) For any other use specifically authorized by law,
13 if that use is related to the operation of a motor vehicle
14 or public safety.

15 (f-6) The Secretary of State shall not disclose or
16 otherwise make available to any person or entity any highly
17 restricted personal information obtained by the Secretary of
18 State in connection with a driver's license, vehicle, or title
19 registration record unless specifically authorized by this
20 Code.

21 (g) 1. The Secretary of State may, upon receipt of a
22 written request and a fee as set forth in Section 6-118,
23 furnish to the person or agency so requesting a driver's
24 record or data contained therein. Such document may include a
25 record of: current driver's license issuance information,
26 except that the information on judicial driving permits shall

1 be available only as otherwise provided by this Code;
2 convictions; orders entered revoking, suspending or cancelling
3 a driver's license or privilege; and notations of crash
4 ~~accident~~ involvement. All other information, unless otherwise
5 permitted by this Code, shall remain confidential. Information
6 released pursuant to a request for a driver's record shall not
7 contain personally identifying information, unless the request
8 for the driver's record was made for one of the purposes set
9 forth in subsection (f-5) of this Section. The Secretary of
10 State may, without fee, allow a parent or guardian of a person
11 under the age of 18 years, who holds an instruction permit or
12 graduated driver's license, to view that person's driving
13 record online, through a computer connection. The parent or
14 guardian's online access to the driving record will terminate
15 when the instruction permit or graduated driver's license
16 holder reaches the age of 18.

17 2. The Secretary of State shall not disclose or otherwise
18 make available to any person or entity any highly restricted
19 personal information obtained by the Secretary of State in
20 connection with a driver's license, vehicle, or title
21 registration record unless specifically authorized by this
22 Code. The Secretary of State may certify an abstract of a
23 driver's record upon written request therefor. Such
24 certification shall be made under the signature of the
25 Secretary of State and shall be authenticated by the Seal of
26 his office.

1 3. All requests for driving record information shall be
2 made in a manner prescribed by the Secretary and shall set
3 forth the intended use of the requested information.

4 The Secretary of State may notify the affected driver of
5 the request for purchase of his driver's record as the
6 Secretary deems appropriate.

7 No information shall be released to the requester until
8 expiration of a 10-day period. This 10-day period shall not
9 apply to requests for information made by law enforcement
10 officials, government agencies, financial institutions,
11 attorneys, insurers, employers, automobile associated
12 businesses, persons licensed as a private detective or firms
13 licensed as a private detective agency under the Private
14 Detective, Private Alarm, Private Security, Fingerprint
15 Vendor, and Locksmith Act of 2004, who are employed by or are
16 acting on behalf of law enforcement officials, government
17 agencies, financial institutions, attorneys, insurers,
18 employers, automobile associated businesses, and other
19 business entities for purposes consistent with the Illinois
20 Vehicle Code, the affected driver or other entities as the
21 Secretary may exempt by rule and regulation.

22 Any misrepresentation made by a requester of driver
23 information shall be punishable as a petty offense, except in
24 the case of persons licensed as a private detective or firms
25 licensed as a private detective agency which shall be subject
26 to disciplinary sanctions under Section 40-10 of the Private

1 Detective, Private Alarm, Private Security, Fingerprint
2 Vendor, and Locksmith Act of 2004.

3 4. The Secretary of State may furnish without fee, upon
4 the written request of a law enforcement agency, any
5 information from a driver's record on file with the Secretary
6 of State when such information is required in the enforcement
7 of this Code or any other law relating to the operation of
8 motor vehicles, including records of dispositions; documented
9 information involving the use of a motor vehicle; whether such
10 individual has, or previously had, a driver's license; and the
11 address and personal description as reflected on said driver's
12 record.

13 5. Except as otherwise provided in this Section, the
14 Secretary of State may furnish, without fee, information from
15 an individual driver's record on file, if a written request
16 therefor is submitted by any public transit system or
17 authority, public defender, law enforcement agency, a state or
18 federal agency, or an Illinois local intergovernmental
19 association, if the request is for the purpose of a background
20 check of applicants for employment with the requesting agency,
21 or for the purpose of an official investigation conducted by
22 the agency, or to determine a current address for the driver so
23 public funds can be recovered or paid to the driver, or for any
24 other purpose set forth in subsection (f-5) of this Section.

25 The Secretary may also furnish the courts a copy of an
26 abstract of a driver's record, without fee, subsequent to an

1 arrest for a violation of Section 11-501 or a similar
2 provision of a local ordinance. Such abstract may include
3 records of dispositions; documented information involving the
4 use of a motor vehicle as contained in the current file;
5 whether such individual has, or previously had, a driver's
6 license; and the address and personal description as reflected
7 on said driver's record.

8 6. Any certified abstract issued by the Secretary of State
9 or transmitted electronically by the Secretary of State
10 pursuant to this Section, to a court or on request of a law
11 enforcement agency, for the record of a named person as to the
12 status of the person's driver's license shall be prima facie
13 evidence of the facts therein stated and if the name appearing
14 in such abstract is the same as that of a person named in an
15 information or warrant, such abstract shall be prima facie
16 evidence that the person named in such information or warrant
17 is the same person as the person named in such abstract and
18 shall be admissible for any prosecution under this Code and be
19 admitted as proof of any prior conviction or proof of records,
20 notices, or orders recorded on individual driving records
21 maintained by the Secretary of State.

22 7. Subject to any restrictions contained in the Juvenile
23 Court Act of 1987, and upon receipt of a proper request and a
24 fee as set forth in Section 6-118, the Secretary of State shall
25 provide a driver's record or data contained therein to the
26 affected driver, or the affected driver's attorney, upon

1 verification. Such record shall contain all the information
2 referred to in paragraph 1 of this subsection (g) plus: any
3 recorded crash ~~accident~~ involvement as a driver; information
4 recorded pursuant to subsection (e) of Section 6-117 and
5 paragraph (4) of subsection (a) of Section 6-204 of this Code.
6 All other information, unless otherwise permitted by this
7 Code, shall remain confidential.

8 (h) The Secretary shall not disclose social security
9 numbers or any associated information obtained from the Social
10 Security Administration except pursuant to a written request
11 by, or with the prior written consent of, the individual
12 except: (1) to officers and employees of the Secretary who
13 have a need to know the social security numbers in performance
14 of their official duties, (2) to law enforcement officials for
15 a civil or criminal law enforcement investigation, and if an
16 officer of the law enforcement agency has made a written
17 request to the Secretary specifying the law enforcement
18 investigation for which the social security numbers are being
19 sought, though the Secretary retains the right to require
20 additional verification regarding the validity of the request,
21 (3) to the United States Department of Transportation, or any
22 other State, pursuant to the administration and enforcement of
23 the Commercial Motor Vehicle Safety Act of 1986 or
24 participation in State-to-State verification service, (4)
25 pursuant to the order of a court of competent jurisdiction,
26 (5) to the Department of Healthcare and Family Services

1 (formerly Department of Public Aid) for utilization in the
2 child support enforcement duties assigned to that Department
3 under provisions of the Illinois Public Aid Code after the
4 individual has received advanced meaningful notification of
5 what redisclosure is sought by the Secretary in accordance
6 with the federal Privacy Act, (5.5) to the Department of
7 Healthcare and Family Services and the Department of Human
8 Services solely for the purpose of verifying Illinois
9 residency where such residency is an eligibility requirement
10 for benefits under the Illinois Public Aid Code or any other
11 health benefit program administered by the Department of
12 Healthcare and Family Services or the Department of Human
13 Services, (6) to the Illinois Department of Revenue solely for
14 use by the Department in the collection of any tax or debt that
15 the Department of Revenue is authorized or required by law to
16 collect, provided that the Department shall not disclose the
17 social security number to any person or entity outside of the
18 Department, (7) to the Illinois Department of Veterans'
19 Affairs for the purpose of confirming veteran status, or (8)
20 the last 4 digits to the Illinois State Board of Elections for
21 purposes of voter registration and as may be required pursuant
22 to an agreement for a multi-state voter registration list
23 maintenance system. If social security information is
24 disclosed by the Secretary in accordance with this Section, no
25 liability shall rest with the Office of the Secretary of State
26 or any of its officers or employees, as the information is

1 released for official purposes only.

2 (i) (Blank).

3 (j) Medical statements or medical reports received in the
4 Secretary of State's Office shall be confidential. Except as
5 provided in this Section, no confidential information may be
6 open to public inspection or the contents disclosed to anyone,
7 except officers and employees of the Secretary who have a need
8 to know the information contained in the medical reports and
9 the Driver License Medical Advisory Board, unless so directed
10 by an order of a court of competent jurisdiction. If the
11 Secretary receives a medical report regarding a driver that
12 does not address a medical condition contained in a previous
13 medical report, the Secretary may disclose the unaddressed
14 medical condition to the driver or his or her physician, or
15 both, solely for the purpose of submission of a medical report
16 that addresses the condition.

17 (k) Disbursement of fees collected under this Section
18 shall be as follows: (1) of the \$12 fee for a driver's record,
19 \$3 shall be paid into the Secretary of State Special Services
20 Fund, and \$6 shall be paid into the General Revenue Fund; (2)
21 50% of the amounts collected under subsection (b) shall be
22 paid into the General Revenue Fund; and (3) all remaining fees
23 shall be disbursed under subsection (g) of Section 2-119 of
24 this Code.

25 (l) (Blank).

26 (m) Notations of crash ~~accident~~ involvement that may be

1 disclosed under this Section shall not include notations
2 relating to damage to a vehicle or other property being
3 transported by a tow truck. This information shall remain
4 confidential, provided that nothing in this subsection (m)
5 shall limit disclosure of any notification of crash ~~accident~~
6 involvement to any law enforcement agency or official.

7 (n) Requests made by the news media for driver's license,
8 vehicle, or title registration information may be furnished
9 without charge or at a reduced charge, as determined by the
10 Secretary, when the specific purpose for requesting the
11 documents is deemed to be in the public interest. Waiver or
12 reduction of the fee is in the public interest if the principal
13 purpose of the request is to access and disseminate
14 information regarding the health, safety, and welfare or the
15 legal rights of the general public and is not for the principal
16 purpose of gaining a personal or commercial benefit. The
17 information provided pursuant to this subsection shall not
18 contain personally identifying information unless the
19 information is to be used for one of the purposes identified in
20 subsection (f-5) of this Section.

21 (o) The redisclosure of personally identifying information
22 obtained pursuant to this Section is prohibited, except to the
23 extent necessary to effectuate the purpose for which the
24 original disclosure of the information was permitted.

25 (p) The Secretary of State is empowered to adopt rules to
26 effectuate this Section.

1 (Source: P.A. 100-590, eff. 6-8-18; 101-81, eff. 7-12-19;
2 101-326, eff. 8-9-19.)

3 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

4 Sec. 4-203. Removal of motor vehicles or other vehicles;
5 towing or hauling away.

6 (a) When a vehicle is abandoned, or left unattended, on a
7 toll highway, interstate highway, or expressway for 2 hours or
8 more, its removal by a towing service may be authorized by a
9 law enforcement agency having jurisdiction.

10 (b) When a vehicle is abandoned on a highway in an urban
11 district 10 hours or more, its removal by a towing service may
12 be authorized by a law enforcement agency having jurisdiction.

13 (c) When a vehicle is abandoned or left unattended on a
14 highway other than a toll highway, interstate highway, or
15 expressway, outside of an urban district for 24 hours or more,
16 its removal by a towing service may be authorized by a law
17 enforcement agency having jurisdiction.

18 (d) When an abandoned, unattended, wrecked, burned or
19 partially dismantled vehicle is creating a traffic hazard
20 because of its position in relation to the highway or its
21 physical appearance is causing the impeding of traffic, its
22 immediate removal from the highway or private property
23 adjacent to the highway by a towing service may be authorized
24 by a law enforcement agency having jurisdiction.

25 (e) Whenever a peace officer reasonably believes that a

1 person under arrest for a violation of Section 11-501 of this
2 Code or a similar provision of a local ordinance is likely,
3 upon release, to commit a subsequent violation of Section
4 11-501, or a similar provision of a local ordinance, the
5 arresting officer shall have the vehicle which the person was
6 operating at the time of the arrest impounded for a period of
7 12 hours after the time of arrest. However, such vehicle may be
8 released by the arresting law enforcement agency prior to the
9 end of the impoundment period if:

10 (1) the vehicle was not owned by the person under
11 arrest, and the lawful owner requesting such release
12 possesses a valid operator's license, proof of ownership,
13 and would not, as determined by the arresting law
14 enforcement agency, indicate a lack of ability to operate
15 a motor vehicle in a safe manner, or who would otherwise,
16 by operating such motor vehicle, be in violation of this
17 Code; or

18 (2) the vehicle is owned by the person under arrest,
19 and the person under arrest gives permission to another
20 person to operate such vehicle, provided however, that the
21 other person possesses a valid operator's license and
22 would not, as determined by the arresting law enforcement
23 agency, indicate a lack of ability to operate a motor
24 vehicle in a safe manner or who would otherwise, by
25 operating such motor vehicle, be in violation of this
26 Code.

1 (e-5) Whenever a registered owner of a vehicle is taken
2 into custody for operating the vehicle in violation of Section
3 11-501 of this Code or a similar provision of a local ordinance
4 or Section 6-303 of this Code, a law enforcement officer may
5 have the vehicle immediately impounded for a period not less
6 than:

7 (1) 24 hours for a second violation of Section 11-501
8 of this Code or a similar provision of a local ordinance or
9 Section 6-303 of this Code or a combination of these
10 offenses; or

11 (2) 48 hours for a third violation of Section 11-501
12 of this Code or a similar provision of a local ordinance or
13 Section 6-303 of this Code or a combination of these
14 offenses.

15 The vehicle may be released sooner if the vehicle is owned
16 by the person under arrest and the person under arrest gives
17 permission to another person to operate the vehicle and that
18 other person possesses a valid operator's license and would
19 not, as determined by the arresting law enforcement agency,
20 indicate a lack of ability to operate a motor vehicle in a safe
21 manner or would otherwise, by operating the motor vehicle, be
22 in violation of this Code.

23 (f) Except as provided in Chapter 18a of this Code, the
24 owner or lessor of privately owned real property within this
25 State, or any person authorized by such owner or lessor, or any
26 law enforcement agency in the case of publicly owned real

1 property may cause any motor vehicle abandoned or left
2 unattended upon such property without permission to be removed
3 by a towing service without liability for the costs of
4 removal, transportation or storage or damage caused by such
5 removal, transportation or storage. The towing or removal of
6 any vehicle from private property without the consent of the
7 registered owner or other legally authorized person in control
8 of the vehicle is subject to compliance with the following
9 conditions and restrictions:

10 1. Any towed or removed vehicle must be stored at the
11 site of the towing service's place of business. The site
12 must be open during business hours, and for the purpose of
13 redemption of vehicles, during the time that the person or
14 firm towing such vehicle is open for towing purposes.

15 2. The towing service shall within 30 minutes of
16 completion of such towing or removal, notify the law
17 enforcement agency having jurisdiction of such towing or
18 removal, and the make, model, color and license plate
19 number of the vehicle, and shall obtain and record the
20 name of the person at the law enforcement agency to whom
21 such information was reported.

22 3. If the registered owner or legally authorized
23 person entitled to possession of the vehicle shall arrive
24 at the scene prior to actual removal or towing of the
25 vehicle, the vehicle shall be disconnected from the tow
26 truck and that person shall be allowed to remove the

1 vehicle without interference, upon the payment of a
2 reasonable service fee of not more than one half the
3 posted rate of the towing service as provided in paragraph
4 6 of this subsection, for which a receipt shall be given.

5 4. The rebate or payment of money or any other
6 valuable consideration from the towing service or its
7 owners, managers or employees to the owners or operators
8 of the premises from which the vehicles are towed or
9 removed, for the privilege of removing or towing those
10 vehicles, is prohibited. Any individual who violates this
11 paragraph shall be guilty of a Class A misdemeanor.

12 5. Except for property appurtenant to and obviously a
13 part of a single family residence, and except for
14 instances where notice is personally given to the owner or
15 other legally authorized person in control of the vehicle
16 that the area in which that vehicle is parked is reserved
17 or otherwise unavailable to unauthorized vehicles and they
18 are subject to being removed at the owner or operator's
19 expense, any property owner or lessor, prior to towing or
20 removing any vehicle from private property without the
21 consent of the owner or other legally authorized person in
22 control of that vehicle, must post a notice meeting the
23 following requirements:

24 a. Except as otherwise provided in subparagraph
25 a.1 of this subdivision (f)5, the notice must be
26 prominently placed at each driveway access or curb cut

1 allowing vehicular access to the property within 5
2 feet from the public right-of-way line. If there are
3 no curbs or access barriers, the sign must be posted
4 not less than one sign each 100 feet of lot frontage.

5 a.1. In a municipality with a population of less
6 than 250,000, as an alternative to the requirement of
7 subparagraph a of this subdivision (f)5, the notice
8 for a parking lot contained within property used
9 solely for a 2-family, 3-family, or 4-family residence
10 may be prominently placed at the perimeter of the
11 parking lot, in a position where the notice is visible
12 to the occupants of vehicles entering the lot.

13 b. The notice must indicate clearly, in not less
14 than 2 inch high light-reflective letters on a
15 contrasting background, that unauthorized vehicles
16 will be towed away at the owner's expense.

17 c. The notice must also provide the name and
18 current telephone number of the towing service towing
19 or removing the vehicle.

20 d. The sign structure containing the required
21 notices must be permanently installed with the bottom
22 of the sign not less than 4 feet above ground level,
23 and must be continuously maintained on the property
24 for not less than 24 hours prior to the towing or
25 removing of any vehicle.

26 6. Any towing service that tows or removes vehicles

1 and proposes to require the owner, operator, or person in
2 control of the vehicle to pay the costs of towing and
3 storage prior to redemption of the vehicle must file and
4 keep on record with the local law enforcement agency a
5 complete copy of the current rates to be charged for such
6 services, and post at the storage site an identical rate
7 schedule and any written contracts with property owners,
8 lessors, or persons in control of property which authorize
9 them to remove vehicles as provided in this Section. The
10 towing and storage charges, however, shall not exceed the
11 maximum allowed by the Illinois Commerce Commission under
12 Section 18a-200.

13 7. No person shall engage in the removal of vehicles
14 from private property as described in this Section without
15 filing a notice of intent in each community where he
16 intends to do such removal, and such notice shall be filed
17 at least 7 days before commencing such towing.

18 8. No removal of a vehicle from private property shall
19 be done except upon express written instructions of the
20 owners or persons in charge of the private property upon
21 which the vehicle is said to be trespassing.

22 9. Vehicle entry for the purpose of removal shall be
23 allowed with reasonable care on the part of the person or
24 firm towing the vehicle. Such person or firm shall be
25 liable for any damages occasioned to the vehicle if such
26 entry is not in accordance with the standards of

1 reasonable care.

2 9.5. Except as authorized by a law enforcement
3 officer, no towing service shall engage in the removal of
4 a commercial motor vehicle that requires a commercial
5 driver's license to operate by operating the vehicle under
6 its own power on a highway.

7 10. When a vehicle has been towed or removed pursuant
8 to this Section, it must be released to its owner,
9 custodian, agent, or lienholder within one half hour after
10 requested, if such request is made during business hours.
11 Any vehicle owner, custodian, agent, or lienholder shall
12 have the right to inspect the vehicle before accepting its
13 return, and no release or waiver of any kind which would
14 release the towing service from liability for damages
15 incurred during the towing and storage may be required
16 from any vehicle owner or other legally authorized person
17 as a condition of release of the vehicle. A detailed,
18 signed receipt showing the legal name of the towing
19 service must be given to the person paying towing or
20 storage charges at the time of payment, whether requested
21 or not.

22 This Section shall not apply to law enforcement,
23 firefighting, rescue, ambulance, or other emergency
24 vehicles which are marked as such or to property owned by
25 any governmental entity.

26 When an authorized person improperly causes a motor

1 vehicle to be removed, such person shall be liable to the
2 owner or lessee of the vehicle for the cost or removal,
3 transportation and storage, any damages resulting from the
4 removal, transportation and storage, attorney's fee and
5 court costs.

6 Any towing or storage charges accrued shall be payable
7 in cash or by cashier's check, certified check, debit
8 card, credit card, or wire transfer, at the option of the
9 party taking possession of the vehicle.

10 11. Towing companies shall also provide insurance
11 coverage for areas where vehicles towed under the
12 provisions of this Chapter will be impounded or otherwise
13 stored, and shall adequately cover loss by fire, theft or
14 other risks.

15 Any person who fails to comply with the conditions and
16 restrictions of this subsection shall be guilty of a Class C
17 misdemeanor and shall be fined not less than \$100 nor more than
18 \$500.

19 (g)(1) When a vehicle is determined to be a hazardous
20 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
21 Illinois Municipal Code or Section 5-12002.1 of the Counties
22 Code, its removal and impoundment by a towing service may be
23 authorized by a law enforcement agency with appropriate
24 jurisdiction.

25 (2) When a vehicle removal from either public or private
26 property is authorized by a law enforcement agency, the owner

1 of the vehicle shall be responsible for all towing and storage
2 charges.

3 (3) Vehicles removed from public or private property and
4 stored by a commercial vehicle relocater or any other towing
5 service authorized by a law enforcement agency in compliance
6 with this Section and Sections 4-201 and 4-202 of this Code, or
7 at the request of the vehicle owner or operator, shall be
8 subject to a possessor lien for services pursuant to the Labor
9 and Storage Lien (Small Amount) Act. The provisions of Section
10 1 of that Act relating to notice and implied consent shall be
11 deemed satisfied by compliance with Section 18a-302 and
12 subsection (6) of Section 18a-300. In no event shall such lien
13 be greater than the rate or rates established in accordance
14 with subsection (6) of Section 18a-200 of this Code. In no
15 event shall such lien be increased or altered to reflect any
16 charge for services or materials rendered in addition to those
17 authorized by this Code. Every such lien shall be payable in
18 cash or by cashier's check, certified check, debit card,
19 credit card, or wire transfer, at the option of the party
20 taking possession of the vehicle.

21 (4) Any personal property belonging to the vehicle owner
22 in a vehicle subject to a lien under this subsection (g) shall
23 likewise be subject to that lien, excepting only: child
24 restraint systems as defined in Section 4 of the Child
25 Passenger Protection Act and other child booster seats;
26 eyeglasses; food; medicine; perishable property; any

1 operator's licenses; any cash, credit cards, or checks or
2 checkbooks; any wallet, purse, or other property containing
3 any operator's license or other identifying documents or
4 materials, cash, credit cards, checks, or checkbooks; and any
5 personal property belonging to a person other than the vehicle
6 owner if that person provides adequate proof that the personal
7 property belongs to that person. The spouse, child, mother,
8 father, brother, or sister of the vehicle owner may claim
9 personal property excepted under this paragraph (4) if the
10 person claiming the personal property provides the commercial
11 vehicle relocater or towing service with the authorization of
12 the vehicle owner.

13 (5) This paragraph (5) applies only in the case of a
14 vehicle that is towed as a result of being involved in a crash
15 ~~an accident~~. In addition to the personal property excepted
16 under paragraph (4), all other personal property in a vehicle
17 subject to a lien under this subsection (g) is exempt from that
18 lien and may be claimed by the vehicle owner if the vehicle
19 owner provides the commercial vehicle relocater or towing
20 service with proof that the vehicle owner has an insurance
21 policy covering towing and storage fees. The spouse, child,
22 mother, father, brother, or sister of the vehicle owner may
23 claim personal property in a vehicle subject to a lien under
24 this subsection (g) if the person claiming the personal
25 property provides the commercial vehicle relocater or towing
26 service with the authorization of the vehicle owner and proof

1 that the vehicle owner has an insurance policy covering towing
2 and storage fees. The regulation of liens on personal property
3 and exceptions to those liens in the case of vehicles towed as
4 a result of being involved in a crash ~~an accident~~ are exclusive
5 powers and functions of the State. A home rule unit may not
6 regulate liens on personal property and exceptions to those
7 liens in the case of vehicles towed as a result of being
8 involved in a crash ~~an accident~~. This paragraph (5) is a denial
9 and limitation of home rule powers and functions under
10 subsection (h) of Section 6 of Article VII of the Illinois
11 Constitution.

12 (6) No lien under this subsection (g) shall: exceed \$2,000
13 in its total amount; or be increased or altered to reflect any
14 charge for services or materials rendered in addition to those
15 authorized by this Code.

16 (h) Whenever a peace officer issues a citation to a driver
17 for a violation of subsection (a) of Section 11-506 of this
18 Code, the arresting officer may have the vehicle which the
19 person was operating at the time of the arrest impounded for a
20 period of 5 days after the time of arrest. An impounding agency
21 shall release a motor vehicle impounded under this subsection
22 (h) to the registered owner of the vehicle under any of the
23 following circumstances:

24 (1) If the vehicle is a stolen vehicle; or

25 (2) If the person ticketed for a violation of
26 subsection (a) of Section 11-506 of this Code was not

1 authorized by the registered owner of the vehicle to
2 operate the vehicle at the time of the violation; or

3 (3) If the registered owner of the vehicle was neither
4 the driver nor a passenger in the vehicle at the time of
5 the violation or was unaware that the driver was using the
6 vehicle to engage in street racing; or

7 (4) If the legal owner or registered owner of the
8 vehicle is a rental car agency; or

9 (5) If, prior to the expiration of the impoundment
10 period specified above, the citation is dismissed or the
11 defendant is found not guilty of the offense.

12 (i) Except for vehicles exempted under subsection (b) of
13 Section 7-601 of this Code, whenever a law enforcement officer
14 issues a citation to a driver for a violation of Section 3-707
15 of this Code, and the driver has a prior conviction for a
16 violation of Section 3-707 of this Code in the past 12 months,
17 the arresting officer shall authorize the removal and
18 impoundment of the vehicle by a towing service.

19 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;
20 100-537, eff. 6-1-18; 100-863, eff. 8-14-18.)

21 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

22 Sec. 5-101. New vehicle dealers must be licensed.

23 (a) No person shall engage in this State in the business of
24 selling or dealing in, on consignment or otherwise, new
25 vehicles of any make, or act as an intermediary or agent or

1 broker for any licensed dealer or vehicle purchaser other than
2 as a salesperson, or represent or advertise that he is so
3 engaged or intends to so engage in such business unless
4 licensed to do so in writing by the Secretary of State under
5 the provisions of this Section.

6 (b) An application for a new vehicle dealer's license
7 shall be filed with the Secretary of State, duly verified by
8 oath, on such form as the Secretary of State may by rule or
9 regulation prescribe and shall contain:

10 1. The name and type of business organization of the
11 applicant and his established and additional places of
12 business, if any, in this State.

13 2. If the applicant is a corporation, a list of its
14 officers, directors, and shareholders having a ten percent
15 or greater ownership interest in the corporation, setting
16 forth the residence address of each; if the applicant is a
17 sole proprietorship, a partnership, an unincorporated
18 association, a trust, or any similar form of business
19 organization, the name and residence address of the
20 proprietor or of each partner, member, officer, director,
21 trustee, or manager.

22 3. The make or makes of new vehicles which the
23 applicant will offer for sale at retail in this State.

24 4. The name of each manufacturer or franchised
25 distributor, if any, of new vehicles with whom the
26 applicant has contracted for the sale of such new

1 vehicles. As evidence of this fact, the application shall
2 be accompanied by a signed statement from each such
3 manufacturer or franchised distributor. If the applicant
4 is in the business of offering for sale new conversion
5 vehicles, trucks or vans, except for trucks modified to
6 serve a special purpose which includes but is not limited
7 to the following vehicles: street sweepers, fertilizer
8 spreaders, emergency vehicles, implements of husbandry or
9 maintenance type vehicles, he must furnish evidence of a
10 sales and service agreement from both the chassis
11 manufacturer and second stage manufacturer.

12 5. A statement that the applicant has been approved
13 for registration under the Retailers' Occupation Tax Act
14 by the Department of Revenue: Provided that this
15 requirement does not apply to a dealer who is already
16 licensed hereunder with the Secretary of State, and who is
17 merely applying for a renewal of his license. As evidence
18 of this fact, the application shall be accompanied by a
19 certification from the Department of Revenue showing that
20 that Department has approved the applicant for
21 registration under the Retailers' Occupation Tax Act.

22 6. A statement that the applicant has complied with
23 the appropriate liability insurance requirement. A
24 Certificate of Insurance in a solvent company authorized
25 to do business in the State of Illinois shall be included
26 with each application covering each location at which he

1 proposes to act as a new vehicle dealer. The policy must
2 provide liability coverage in the minimum amounts of
3 \$100,000 for bodily injury to, or death of, any person,
4 \$300,000 for bodily injury to, or death of, two or more
5 persons in any one crash ~~accident~~, and \$50,000 for damage
6 to property. Such policy shall expire not sooner than
7 December 31 of the year for which the license was issued or
8 renewed. The expiration of the insurance policy shall not
9 terminate the liability under the policy arising during
10 the period for which the policy was filed. Trailer and
11 mobile home dealers are exempt from this requirement.

12 If the permitted user has a liability insurance policy
13 that provides automobile liability insurance coverage of
14 at least \$100,000 for bodily injury to or the death of any
15 person, \$300,000 for bodily injury to or the death of any 2
16 or more persons in any one crash ~~accident~~, and \$50,000 for
17 damage to property, then the permitted user's insurer
18 shall be the primary insurer and the dealer's insurer
19 shall be the secondary insurer. If the permitted user does
20 not have a liability insurance policy that provides
21 automobile liability insurance coverage of at least
22 \$100,000 for bodily injury to or the death of any person,
23 \$300,000 for bodily injury to or the death of any 2 or more
24 persons in any one crash ~~accident~~, and \$50,000 for damage
25 to property, or does not have any insurance at all, then
26 the dealer's insurer shall be the primary insurer and the

1 permitted user's insurer shall be the secondary insurer.

2 When a permitted user is "test driving" a new vehicle
3 dealer's automobile, the new vehicle dealer's insurance
4 shall be primary and the permitted user's insurance shall
5 be secondary.

6 As used in this paragraph 6, a "permitted user" is a
7 person who, with the permission of the new vehicle dealer
8 or an employee of the new vehicle dealer, drives a vehicle
9 owned and held for sale or lease by the new vehicle dealer
10 which the person is considering to purchase or lease, in
11 order to evaluate the performance, reliability, or
12 condition of the vehicle. The term "permitted user" also
13 includes a person who, with the permission of the new
14 vehicle dealer, drives a vehicle owned or held for sale or
15 lease by the new vehicle dealer for loaner purposes while
16 the user's vehicle is being repaired or evaluated.

17 As used in this paragraph 6, "test driving" occurs
18 when a permitted user who, with the permission of the new
19 vehicle dealer or an employee of the new vehicle dealer,
20 drives a vehicle owned and held for sale or lease by a new
21 vehicle dealer that the person is considering to purchase
22 or lease, in order to evaluate the performance,
23 reliability, or condition of the vehicle.

24 As used in this paragraph 6, "loaner purposes" means
25 when a person who, with the permission of the new vehicle
26 dealer, drives a vehicle owned or held for sale or lease by

1 the new vehicle dealer while the user's vehicle is being
2 repaired or evaluated.

3 7. (A) An application for a new motor vehicle dealer's
4 license shall be accompanied by the following license
5 fees:

6 (i) \$1,000 for applicant's established place of
7 business, and \$100 for each additional place of
8 business, if any, to which the application pertains;
9 but if the application is made after June 15 of any
10 year, the license fee shall be \$500 for applicant's
11 established place of business plus \$50 for each
12 additional place of business, if any, to which the
13 application pertains. License fees shall be returnable
14 only in the event that the application is denied by the
15 Secretary of State. All moneys received by the
16 Secretary of State as license fees under this
17 subparagraph (i) prior to applications for the 2004
18 licensing year shall be deposited into the Motor
19 Vehicle Review Board Fund and shall be used to
20 administer the Motor Vehicle Review Board under the
21 Motor Vehicle Franchise Act. Of the money received by
22 the Secretary of State as license fees under this
23 subparagraph (i) for the 2004 licensing year and
24 thereafter, 10% shall be deposited into the Motor
25 Vehicle Review Board Fund and shall be used to
26 administer the Motor Vehicle Review Board under the

1 Motor Vehicle Franchise Act and 90% shall be deposited
2 into the General Revenue Fund.

3 (ii) Except for dealers selling 25 or fewer
4 automobiles or as provided in subsection (h) of
5 Section 5-102.7 of this Code, an Annual Dealer
6 Recovery Fund Fee in the amount of \$500 for the
7 applicant's established place of business, and \$50 for
8 each additional place of business, if any, to which
9 the application pertains; but if the application is
10 made after June 15 of any year, the fee shall be \$250
11 for the applicant's established place of business plus
12 \$25 for each additional place of business, if any, to
13 which the application pertains. For a license renewal
14 application, the fee shall be based on the amount of
15 automobiles sold in the past year according to the
16 following formula:

17 (1) \$0 for dealers selling 25 or less
18 automobiles;

19 (2) \$150 for dealers selling more than 25 but
20 less than 200 automobiles;

21 (3) \$300 for dealers selling 200 or more
22 automobiles but less than 300 automobiles; and

23 (4) \$500 for dealers selling 300 or more
24 automobiles.

25 License fees shall be returnable only in the event
26 that the application is denied by the Secretary of

1 State. Moneys received under this subparagraph (ii)
2 shall be deposited into the Dealer Recovery Trust
3 Fund.

4 (B) An application for a new vehicle dealer's license,
5 other than for a new motor vehicle dealer's license, shall
6 be accompanied by the following license fees:

7 (i) \$1,000 for applicant's established place of
8 business, and \$50 for each additional place of
9 business, if any, to which the application pertains;
10 but if the application is made after June 15 of any
11 year, the license fee shall be \$500 for applicant's
12 established place of business plus \$25 for each
13 additional place of business, if any, to which the
14 application pertains. License fees shall be returnable
15 only in the event that the application is denied by the
16 Secretary of State. Of the money received by the
17 Secretary of State as license fees under this
18 subparagraph (i) for the 2004 licensing year and
19 thereafter, 95% shall be deposited into the General
20 Revenue Fund.

21 (ii) Except as provided in subsection (h) of
22 Section 5-102.7 of this Code, an Annual Dealer
23 Recovery Fund Fee in the amount of \$500 for the
24 applicant's established place of business, and \$50 for
25 each additional place of business, if any, to which
26 the application pertains; but if the application is

1 made after June 15 of any year, the fee shall be \$250
2 for the applicant's established place of business plus
3 \$25 for each additional place of business, if any, to
4 which the application pertains. License fees shall be
5 returnable only in the event that the application is
6 denied by the Secretary of State. Moneys received
7 under this subparagraph (ii) shall be deposited into
8 the Dealer Recovery Trust Fund.

9 8. A statement that the applicant's officers,
10 directors, shareholders having a 10% or greater ownership
11 interest therein, proprietor, a partner, member, officer,
12 director, trustee, manager or other principals in the
13 business have not committed in the past 3 years any one
14 violation as determined in any civil, criminal or
15 administrative proceedings of any one of the following
16 Acts:

17 (A) The Anti-Theft Laws of the Illinois Vehicle
18 Code;

19 (B) The Certificate of Title Laws of the Illinois
20 Vehicle Code;

21 (C) The Offenses against Registration and
22 Certificates of Title Laws of the Illinois Vehicle
23 Code;

24 (D) The Dealers, Transporters, Wreckers and
25 Rebuilders Laws of the Illinois Vehicle Code;

26 (E) Section 21-2 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, Criminal Trespass to
2 Vehicles; or

3 (F) The Retailers' Occupation Tax Act.

4 9. A statement that the applicant's officers,
5 directors, shareholders having a 10% or greater ownership
6 interest therein, proprietor, partner, member, officer,
7 director, trustee, manager or other principals in the
8 business have not committed in any calendar year 3 or more
9 violations, as determined in any civil, criminal or
10 administrative proceedings, of any one or more of the
11 following Acts:

12 (A) The Consumer Finance Act;

13 (B) The Consumer Installment Loan Act;

14 (C) The Retail Installment Sales Act;

15 (D) The Motor Vehicle Retail Installment Sales
16 Act;

17 (E) The Interest Act;

18 (F) The Illinois Wage Assignment Act;

19 (G) Part 8 of Article XII of the Code of Civil
20 Procedure; or

21 (H) The Consumer Fraud Act.

22 9.5. A statement that, within 10 years of application,
23 each officer, director, shareholder having a 10% or
24 greater ownership interest therein, proprietor, partner,
25 member, officer, director, trustee, manager, or other
26 principal in the business of the applicant has not

1 committed, as determined in any civil, criminal, or
2 administrative proceeding, in any calendar year one or
3 more forcible felonies under the Criminal Code of 1961 or
4 the Criminal Code of 2012, or a violation of either or both
5 Article 16 or 17 of the Criminal Code of 1961 or a
6 violation of either or both Article 16 or 17 of the
7 Criminal Code of 2012, Article 29B of the Criminal Code of
8 1961 or the Criminal Code of 2012, or a similar
9 out-of-state offense. For the purposes of this paragraph,
10 "forcible felony" has the meaning provided in Section 2-8
11 of the Criminal Code of 2012.

12 10. A bond or certificate of deposit in the amount of
13 \$50,000 for each location at which the applicant intends
14 to act as a new vehicle dealer. The bond shall be for the
15 term of the license, or its renewal, for which application
16 is made, and shall expire not sooner than December 31 of
17 the year for which the license was issued or renewed. The
18 bond shall run to the People of the State of Illinois, with
19 surety by a bonding or insurance company authorized to do
20 business in this State. It shall be conditioned upon the
21 proper transmittal of all title and registration fees and
22 taxes (excluding taxes under the Retailers' Occupation Tax
23 Act) accepted by the applicant as a new vehicle dealer.

24 11. Such other information concerning the business of
25 the applicant as the Secretary of State may by rule or
26 regulation prescribe.

1 12. A statement that the applicant understands Chapter
2 1 through Chapter 5 of this Code.

3 13. The full name, address, and contact information of
4 each of the dealer's agents or legal representatives who
5 is an Illinois resident and liable for the performance of
6 the dealership.

7 (c) Any change which renders no longer accurate any
8 information contained in any application for a new vehicle
9 dealer's license shall be amended within 30 days after the
10 occurrence of such change on such form as the Secretary of
11 State may prescribe by rule or regulation, accompanied by an
12 amendatory fee of \$2.

13 (d) Anything in this Chapter 5 to the contrary
14 notwithstanding no person shall be licensed as a new vehicle
15 dealer unless:

16 1. He is authorized by contract in writing between
17 himself and the manufacturer or franchised distributor of
18 such make of vehicle to so sell the same in this State, and

19 2. Such person shall maintain an established place of
20 business as defined in this Act.

21 (e) The Secretary of State shall, within a reasonable time
22 after receipt, examine an application submitted to him under
23 this Section and unless he makes a determination that the
24 application submitted to him does not conform with the
25 requirements of this Section or that grounds exist for a
26 denial of the application, under Section 5-501 of this

1 Chapter, grant the applicant an original new vehicle dealer's
2 license in writing for his established place of business and a
3 supplemental license in writing for each additional place of
4 business in such form as he may prescribe by rule or regulation
5 which shall include the following:

6 1. The name of the person licensed;

7 2. If a corporation, the name and address of its
8 officers or if a sole proprietorship, a partnership, an
9 unincorporated association or any similar form of business
10 organization, the name and address of the proprietor or of
11 each partner, member, officer, director, trustee or
12 manager;

13 3. In the case of an original license, the established
14 place of business of the licensee;

15 4. In the case of a supplemental license, the
16 established place of business of the licensee and the
17 additional place of business to which such supplemental
18 license pertains;

19 5. The make or makes of new vehicles which the
20 licensee is licensed to sell;

21 6. The full name, address, and contact information of
22 each of the dealer's agents or legal representatives who
23 is an Illinois resident and liable for the performance of
24 the dealership.

25 (f) The appropriate instrument evidencing the license or a
26 certified copy thereof, provided by the Secretary of State,

1 shall be kept posted conspicuously in the established place of
2 business of the licensee and in each additional place of
3 business, if any, maintained by such licensee.

4 (g) Except as provided in subsection (h) hereof, all new
5 vehicle dealer's licenses granted under this Section shall
6 expire by operation of law on December 31 of the calendar year
7 for which they are granted unless sooner revoked or cancelled
8 under the provisions of Section 5-501 of this Chapter.

9 (h) A new vehicle dealer's license may be renewed upon
10 application and payment of the fee required herein, and
11 submission of proof of coverage under an approved bond under
12 the Retailers' Occupation Tax Act or proof that applicant is
13 not subject to such bonding requirements, as in the case of an
14 original license, but in case an application for the renewal
15 of an effective license is made during the month of December,
16 the effective license shall remain in force until the
17 application is granted or denied by the Secretary of State.

18 (i) All persons licensed as a new vehicle dealer are
19 required to furnish each purchaser of a motor vehicle:

20 1. In the case of a new vehicle a manufacturer's
21 statement of origin and in the case of a used motor vehicle
22 a certificate of title, in either case properly assigned
23 to the purchaser;

24 2. A statement verified under oath that all
25 identifying numbers on the vehicle agree with those on the
26 certificate of title or manufacturer's statement of

1 origin;

2 3. A bill of sale properly executed on behalf of such
3 person;

4 4. A copy of the Uniform Invoice-transaction reporting
5 return referred to in Section 5-402 hereof;

6 5. In the case of a rebuilt vehicle, a copy of the
7 Disclosure of Rebuilt Vehicle Status; and

8 6. In the case of a vehicle for which the warranty has
9 been reinstated, a copy of the warranty.

10 (j) Except at the time of sale or repossession of the
11 vehicle, no person licensed as a new vehicle dealer may issue
12 any other person a newly created key to a vehicle unless the
13 new vehicle dealer makes a color photocopy or electronic scan
14 of the driver's license or State identification card of the
15 person requesting or obtaining the newly created key. The new
16 vehicle dealer must retain the photocopy or scan for 30 days.

17 A new vehicle dealer who violates this subsection (j) is
18 guilty of a petty offense. Violation of this subsection (j) is
19 not cause to suspend, revoke, cancel, or deny renewal of the
20 new vehicle dealer's license.

21 This amendatory Act of 1983 shall be applicable to the
22 1984 registration year and thereafter.

23 (k) If a licensee under this Section voluntarily
24 surrenders a license to the Illinois Secretary of State Police
25 or a representative of the Secretary of State Vehicle Services
26 Department due to the licensee's inability to adhere to

1 recordkeeping provisions, or the inability to properly issue
2 certificates of title or registrations under this Code, or the
3 Secretary revokes a license under this Section, then the
4 licensee and the licensee's agent, designee, or legal
5 representative, if applicable, may not be named on a new
6 application for a licensee under this Section or under this
7 Chapter, nor is the licensee or the licensee's agent,
8 designee, or legal representative permitted to work for
9 another licensee under this Chapter in a recordkeeping,
10 management, or financial position or as an employee who
11 handles certificate of title and registration documents and
12 applications.

13 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22.)

14 (625 ILCS 5/5-101.1)

15 Sec. 5-101.1. Motor vehicle financing affiliates;
16 licensing.

17 (a) In this State no business shall engage in the business
18 of a motor vehicle financing affiliate without a license to do
19 so in writing from the Secretary of State.

20 (b) An application for a motor vehicle financing
21 affiliate's license must be filed with the Secretary of State,
22 duly verified by oath, on a form prescribed by the Secretary of
23 State and shall contain all of the following:

24 (1) The name and type of business organization of the
25 applicant and the applicant's established place of

1 business and any additional places of business in this
2 State.

3 (2) The name and address of the licensed new or used
4 vehicle dealer to which the applicant will be selling,
5 transferring, or assigning new or used motor vehicles
6 pursuant to a written contract. If more than one dealer is
7 on the application, the applicant shall state in writing
8 the basis of common ownership among the dealers.

9 (3) A list of the business organization's officers,
10 directors, members, and shareholders having a 10% or
11 greater ownership interest in the business, providing the
12 residential address for each person listed.

13 (4) If selling, transferring, or assigning new motor
14 vehicles, the make or makes of new vehicles that it will
15 sell, assign, or otherwise transfer to the contracting new
16 motor vehicle dealer listed on the application pursuant to
17 paragraph (2).

18 (5) The name of each manufacturer or franchised
19 distributor, if any, of new vehicles with whom the
20 applicant has contracted for the sale of new vehicles and
21 a signed statement from each manufacturer or franchised
22 distributor acknowledging the contract.

23 (6) A statement that the applicant has been approved
24 for registration under the Retailers' Occupation Tax Act
25 by the Department of Revenue. This requirement does not
26 apply to a motor vehicle financing affiliate that is

1 already licensed with the Secretary of State and is
2 applying for a renewal of its license.

3 (7) A statement that the applicant has complied with
4 the appropriate liability insurance requirement and a
5 Certificate of Insurance that shall not expire before
6 December 31 of the year for which the license was issued or
7 renewed with a minimum liability coverage of \$100,000 for
8 the bodily injury or death of any person, \$300,000 for the
9 bodily injury or death of 2 or more persons in any one
10 crash ~~accident~~, and \$50,000 for damage to property. The
11 expiration of the insurance policy shall not terminate the
12 liability under the policy arising during the period for
13 which the policy was filed. Trailer and mobile home
14 dealers are exempt from the requirements of this
15 paragraph. A motor vehicle financing affiliate is exempt
16 from the requirements of this paragraph if it is covered
17 by the insurance policy of the new or used dealer listed on
18 the application pursuant to paragraph (2).

19 (8) A license fee of \$1,000 for the applicant's
20 established place of business and \$250 for each additional
21 place of business, if any, to which the application
22 pertains. However, if the application is made after June
23 15 of any year, the license fee shall be \$500 for the
24 applicant's established place of business and \$125 for
25 each additional place of business, if any, to which the
26 application pertains. These license fees shall be

1 returnable only in the event that the application is
2 denied by the Secretary of State.

3 (9) A statement incorporating the requirements of
4 paragraphs 8 and 9 of subsection (b) of Section 5-101.

5 (10) Any other information concerning the business of
6 the applicant as the Secretary of State may prescribe.

7 (11) A statement that the applicant understands
8 Chapter 1 through Chapter 5 of this Code.

9 (12) The full name, address, and contact information
10 of each of the dealer's agents or legal representatives
11 who is an Illinois resident and liable for the performance
12 of the dealership.

13 (c) Any change which renders no longer accurate any
14 information contained in any application for a motor vehicle
15 financing affiliate's license shall be amended within 30 days
16 after the occurrence of the change on a form prescribed by the
17 Secretary of State, accompanied by an amendatory fee of \$2.

18 (d) If a new vehicle dealer is not listed on the
19 application, pursuant to paragraph (2) of subsection (b), the
20 motor vehicle financing affiliate shall not receive, possess,
21 or transfer any new vehicle. If a new motor vehicle dealer is
22 listed on the application, pursuant to paragraph (2) of
23 subsection (b), the new motor vehicle dealer can only receive
24 those new cars it is permitted to receive under its franchise
25 agreement. If both a new and used motor vehicle dealer are
26 listed on the application, pursuant to paragraph (2) of

1 subsection (b), only the new motor vehicle dealer may receive
2 new motor vehicles. If a used motor vehicle is listed on the
3 application, pursuant to paragraph (2) of subsection (b), the
4 used motor vehicle dealer shall not receive any new motor
5 vehicles.

6 (e) The applicant and dealer provided pursuant to
7 paragraph (2) of subsection (b) must be business organizations
8 registered to conduct business in Illinois. Three-fourths of
9 the dealer's board of directors must be members of the motor
10 vehicle financing affiliate's board of directors, if
11 applicable.

12 (f) Unless otherwise provided in this Chapter 5, no
13 business organization registered to do business in Illinois
14 shall be licensed as a motor vehicle financing affiliate
15 unless:

16 (1) The motor vehicle financing affiliate shall only
17 sell, transfer, or assign motor vehicles to the licensed
18 new or used dealer listed on the application pursuant to
19 paragraph (2) of subsection (b).

20 (2) The motor vehicle financing affiliate sells,
21 transfers, or assigns to the new motor vehicle dealer
22 listed on the application, if any, only those new motor
23 vehicles the motor vehicle financing affiliate has
24 received under the contract set forth in paragraph (5) of
25 subsection (b).

26 (3) Any new vehicle dealer listed pursuant to

1 paragraph (2) of subsection (b) has a franchise agreement
2 that permits the dealer to receive motor vehicles from the
3 motor vehicle franchise affiliate.

4 (4) The new or used motor vehicle dealer listed on the
5 application pursuant to paragraph (2) of subsection (b)
6 has one established place of business or supplemental
7 places of business as referenced in subsection (g).

8 (g) The Secretary of State shall, within a reasonable time
9 after receipt, examine an application submitted pursuant to
10 this Section and, unless it is determined that the application
11 does not conform with the requirements of this Section or that
12 grounds exist for a denial of the application under Section
13 5-501, grant the applicant a motor vehicle financing affiliate
14 license in writing for the applicant's established place of
15 business and a supplemental license in writing for each
16 additional place of business in a form prescribed by the
17 Secretary, which shall include all of the following:

18 (1) The name of the business licensed;

19 (2) The name and address of its officers, directors,
20 or members, as applicable;

21 (3) In the case of an original license, the
22 established place of business of the licensee;

23 (4) If applicable, the make or makes of new vehicles
24 which the licensee is licensed to sell to the new motor
25 vehicle dealer listed on the application pursuant to
26 paragraph (2) of subsection (b); and

1 (5) The full name, address, and contact information of
2 each of the dealer's agents or legal representatives who
3 is an Illinois resident and liable for the performance of
4 the dealership.

5 (h) The appropriate instrument evidencing the license or a
6 certified copy, provided by the Secretary of State, shall be
7 kept posted conspicuously in the established place of business
8 of the licensee.

9 (i) Except as provided in subsection (h), all motor
10 vehicle financing affiliate's licenses granted under this
11 Section shall expired by operation of law on December 31 of the
12 calendar year for which they are granted, unless revoked or
13 canceled at an earlier date pursuant to Section 5-501.

14 (j) A motor vehicle financing affiliate's license may be
15 renewed upon application and payment of the required fee.
16 However, when an application for renewal of a motor vehicle
17 financing affiliate's license is made during the month of
18 December, the effective license shall remain in force until
19 the application is granted or denied by the Secretary of
20 State.

21 (k) The contract a motor vehicle financing affiliate has
22 with a manufacturer or franchised distributor, as provided in
23 paragraph (5) of subsection (b), shall only permit the
24 applicant to sell, transfer, or assign new motor vehicles to
25 the new motor vehicle dealer listed on the application
26 pursuant to paragraph (2) of subsection (b). The contract

1 shall specifically prohibit the motor vehicle financing
2 affiliate from selling motor vehicles at retail. This contract
3 shall not be considered the granting of a franchise as defined
4 in Section 2 of the Motor Vehicle Franchise Act.

5 (1) When purchasing of a motor vehicle by a new or used
6 motor vehicle dealer, all persons licensed as a motor vehicle
7 financing affiliate are required to furnish all of the
8 following:

9 (1) For a new vehicle, a manufacturer's statement of
10 origin properly assigned to the purchasing dealer. For a
11 used vehicle, a certificate of title properly assigned to
12 the purchasing dealer.

13 (2) A statement verified under oath that all
14 identifying numbers on the vehicle agree with those on the
15 certificate of title or manufacturer's statement of
16 origin.

17 (3) A bill of sale properly executed on behalf of the
18 purchasing dealer.

19 (4) A copy of the Uniform Invoice-transaction report
20 pursuant to Section 5-402.

21 (5) In the case of a rebuilt vehicle, a copy of the
22 Disclosure of Rebuilt Vehicle Status pursuant to Section
23 5-104.3.

24 (6) In the case of a vehicle for which a warranty has
25 been reinstated, a copy of the warranty.

26 (m) The motor vehicle financing affiliate shall use the

1 established and supplemental place or places of business the
2 new or used vehicle dealer listed on the application pursuant
3 to paragraph (2) of subsection (b) as its established and
4 supplemental place or places of business.

5 (n) The motor vehicle financing affiliate shall keep all
6 books and records required by this Code with the books and
7 records of the new or used vehicle dealer listed on the
8 application pursuant to paragraph (2) of subsection (b). The
9 motor vehicle financing affiliate may use the books and
10 records of the new or used motor vehicle dealer listed on the
11 application pursuant to paragraph (2) of subsection (b).

12 (o) Under no circumstances shall a motor vehicle financing
13 affiliate sell, transfer, or assign a new vehicle to any place
14 of business of a new motor vehicle dealer, unless that place of
15 business is licensed under this Chapter to sell, assign, or
16 otherwise transfer the make of the new motor vehicle
17 transferred.

18 (p) All moneys received by the Secretary of State as
19 license fees under this Section shall be deposited into the
20 Motor Vehicle Review Board Fund and shall be used to
21 administer the Motor Vehicle Review Board under the Motor
22 Vehicle Franchise Act.

23 (q) Except as otherwise provided in this Section, a motor
24 vehicle financing affiliate shall comply with all provisions
25 of this Code.

26 (r) If a licensee under this Section voluntarily

1 surrenders a license to the Illinois Secretary of State Police
2 or a representative of the Secretary of State Vehicle Services
3 Department due to the licensee's inability to adhere to
4 recordkeeping provisions, or the inability to properly issue
5 certificates of title or registrations under this Code, or the
6 Secretary revokes a license under this Section, then the
7 licensee and the licensee's agent, designee, or legal
8 representative, if applicable, may not be named on a new
9 application for a license under this Section or under this
10 Chapter, nor is the licensee or the licensee's agent,
11 designee, or legal representative permitted to work for
12 another licensee under this Chapter in a recordkeeping,
13 management, or financial position or as an employee who
14 handles certificate of title and registration documents and
15 applications.

16 (Source: P.A. 102-154, eff. 1-1-22.)

17 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

18 Sec. 5-102. Used vehicle dealers must be licensed.

19 (a) No person, other than a licensed new vehicle dealer,
20 shall engage in the business of selling or dealing in, on
21 consignment or otherwise, 5 or more used vehicles of any make
22 during the year (except house trailers as authorized by
23 paragraph (j) of this Section and rebuilt salvage vehicles
24 sold by their rebuilders to persons licensed under this
25 Chapter), or act as an intermediary, agent or broker for any

1 licensed dealer or vehicle purchaser (other than as a
2 salesperson) or represent or advertise that he is so engaged
3 or intends to so engage in such business unless licensed to do
4 so by the Secretary of State under the provisions of this
5 Section.

6 (b) An application for a used vehicle dealer's license
7 shall be filed with the Secretary of State, duly verified by
8 oath, in such form as the Secretary of State may by rule or
9 regulation prescribe and shall contain:

10 1. The name and type of business organization
11 established and additional places of business, if any, in
12 this State.

13 2. If the applicant is a corporation, a list of its
14 officers, directors, and shareholders having a ten percent
15 or greater ownership interest in the corporation, setting
16 forth the residence address of each; if the applicant is a
17 sole proprietorship, a partnership, an unincorporated
18 association, a trust, or any similar form of business
19 organization, the names and residence address of the
20 proprietor or of each partner, member, officer, director,
21 trustee, or manager.

22 3. A statement that the applicant has been approved
23 for registration under the Retailers' Occupation Tax Act
24 by the Department of Revenue. However, this requirement
25 does not apply to a dealer who is already licensed
26 hereunder with the Secretary of State, and who is merely

1 applying for a renewal of his license. As evidence of this
2 fact, the application shall be accompanied by a
3 certification from the Department of Revenue showing that
4 the Department has approved the applicant for registration
5 under the Retailers' Occupation Tax Act.

6 4. A statement that the applicant has complied with
7 the appropriate liability insurance requirement. A
8 Certificate of Insurance in a solvent company authorized
9 to do business in the State of Illinois shall be included
10 with each application covering each location at which he
11 proposes to act as a used vehicle dealer. The policy must
12 provide liability coverage in the minimum amounts of
13 \$100,000 for bodily injury to, or death of, any person,
14 \$300,000 for bodily injury to, or death of, two or more
15 persons in any one crash ~~accident~~, and \$50,000 for damage
16 to property. Such policy shall expire not sooner than
17 December 31 of the year for which the license was issued or
18 renewed. The expiration of the insurance policy shall not
19 terminate the liability under the policy arising during
20 the period for which the policy was filed. Trailer and
21 mobile home dealers are exempt from this requirement.

22 If the permitted user has a liability insurance policy
23 that provides automobile liability insurance coverage of
24 at least \$100,000 for bodily injury to or the death of any
25 person, \$300,000 for bodily injury to or the death of any 2
26 or more persons in any one crash ~~accident~~, and \$50,000 for

1 damage to property, then the permitted user's insurer
2 shall be the primary insurer and the dealer's insurer
3 shall be the secondary insurer. If the permitted user does
4 not have a liability insurance policy that provides
5 automobile liability insurance coverage of at least
6 \$100,000 for bodily injury to or the death of any person,
7 \$300,000 for bodily injury to or the death of any 2 or more
8 persons in any one crash ~~accident~~, and \$50,000 for damage
9 to property, or does not have any insurance at all, then
10 the dealer's insurer shall be the primary insurer and the
11 permitted user's insurer shall be the secondary insurer.

12 When a permitted user is "test driving" a used vehicle
13 dealer's automobile, the used vehicle dealer's insurance
14 shall be primary and the permitted user's insurance shall
15 be secondary.

16 As used in this paragraph 4, a "permitted user" is a
17 person who, with the permission of the used vehicle dealer
18 or an employee of the used vehicle dealer, drives a
19 vehicle owned and held for sale or lease by the used
20 vehicle dealer which the person is considering to purchase
21 or lease, in order to evaluate the performance,
22 reliability, or condition of the vehicle. The term
23 "permitted user" also includes a person who, with the
24 permission of the used vehicle dealer, drives a vehicle
25 owned or held for sale or lease by the used vehicle dealer
26 for loaner purposes while the user's vehicle is being

1 repaired or evaluated.

2 As used in this paragraph 4, "test driving" occurs
3 when a permitted user who, with the permission of the used
4 vehicle dealer or an employee of the used vehicle dealer,
5 drives a vehicle owned and held for sale or lease by a used
6 vehicle dealer that the person is considering to purchase
7 or lease, in order to evaluate the performance,
8 reliability, or condition of the vehicle.

9 As used in this paragraph 4, "loaner purposes" means
10 when a person who, with the permission of the used vehicle
11 dealer, drives a vehicle owned or held for sale or lease by
12 the used vehicle dealer while the user's vehicle is being
13 repaired or evaluated.

14 5. An application for a used vehicle dealer's license
15 shall be accompanied by the following license fees:

16 (A) \$1,000 for applicant's established place of
17 business, and \$50 for each additional place of
18 business, if any, to which the application pertains;
19 however, if the application is made after June 15 of
20 any year, the license fee shall be \$500 for
21 applicant's established place of business plus \$25 for
22 each additional place of business, if any, to which
23 the application pertains. License fees shall be
24 returnable only in the event that the application is
25 denied by the Secretary of State. Of the money
26 received by the Secretary of State as license fees

1 under this subparagraph (A) for the 2004 licensing
2 year and thereafter, 95% shall be deposited into the
3 General Revenue Fund.

4 (B) Except for dealers selling 25 or fewer
5 automobiles or as provided in subsection (h) of
6 Section 5-102.7 of this Code, an Annual Dealer
7 Recovery Fund Fee in the amount of \$500 for the
8 applicant's established place of business, and \$50 for
9 each additional place of business, if any, to which
10 the application pertains; but if the application is
11 made after June 15 of any year, the fee shall be \$250
12 for the applicant's established place of business plus
13 \$25 for each additional place of business, if any, to
14 which the application pertains. For a license renewal
15 application, the fee shall be based on the amount of
16 automobiles sold in the past year according to the
17 following formula:

18 (1) \$0 for dealers selling 25 or less
19 automobiles;

20 (2) \$150 for dealers selling more than 25 but
21 less than 200 automobiles;

22 (3) \$300 for dealers selling 200 or more
23 automobiles but less than 300 automobiles; and

24 (4) \$500 for dealers selling 300 or more
25 automobiles.

26 License fees shall be returnable only in the event

1 that the application is denied by the Secretary of
2 State. Moneys received under this subparagraph (B)
3 shall be deposited into the Dealer Recovery Trust
4 Fund.

5 6. A statement that the applicant's officers,
6 directors, shareholders having a 10% or greater ownership
7 interest therein, proprietor, partner, member, officer,
8 director, trustee, manager, or other principals in the
9 business have not committed in the past 3 years any one
10 violation as determined in any civil, criminal, or
11 administrative proceedings of any one of the following
12 Acts:

13 (A) The Anti-Theft Laws of the Illinois Vehicle
14 Code;

15 (B) The Certificate of Title Laws of the Illinois
16 Vehicle Code;

17 (C) The Offenses against Registration and
18 Certificates of Title Laws of the Illinois Vehicle
19 Code;

20 (D) The Dealers, Transporters, Wreckers and
21 Rebuilders Laws of the Illinois Vehicle Code;

22 (E) Section 21-2 of the ~~Illinois~~ Criminal Code of
23 1961 or the Criminal Code of 2012, Criminal Trespass
24 to Vehicles; or

25 (F) The Retailers' Occupation Tax Act.

26 7. A statement that the applicant's officers,

1 directors, shareholders having a 10% or greater ownership
2 interest therein, proprietor, partner, member, officer,
3 director, trustee, manager, or other principals in the
4 business have not committed in any calendar year 3 or more
5 violations, as determined in any civil, ~~or~~ criminal, or
6 administrative proceedings, of any one or more of the
7 following Acts:

8 (A) The Consumer Finance Act;

9 (B) The Consumer Installment Loan Act;

10 (C) The Retail Installment Sales Act;

11 (D) The Motor Vehicle Retail Installment Sales
12 Act;

13 (E) The Interest Act;

14 (F) The Illinois Wage Assignment Act;

15 (G) Part 8 of Article XII of the Code of Civil
16 Procedure; or

17 (H) The Consumer Fraud and Deceptive Business
18 Practices Act.

19 7.5. A statement that, within 10 years of application,
20 each officer, director, shareholder having a 10% or
21 greater ownership interest therein, proprietor, partner,
22 member, officer, director, trustee, manager, or other
23 principal in the business of the applicant has not
24 committed, as determined in any civil, criminal, or
25 administrative proceeding, in any calendar year one or
26 more forcible felonies under the Criminal Code of 1961 or

1 the Criminal Code of 2012, or a violation of either or both
2 Article 16 or 17 of the Criminal Code of 1961 or a
3 violation of either or both Article 16 or 17 of the
4 Criminal Code of 2012, Article 29B of the Criminal Code of
5 1961 or the Criminal Code of 2012, or a similar
6 out-of-state offense. For the purposes of this paragraph,
7 "forcible felony" has the meaning provided in Section 2-8
8 of the Criminal Code of 2012.

9 8. A bond or Certificate of Deposit in the amount of
10 \$50,000 for each location at which the applicant intends
11 to act as a used vehicle dealer. The bond shall be for the
12 term of the license, or its renewal, for which application
13 is made, and shall expire not sooner than December 31 of
14 the year for which the license was issued or renewed. The
15 bond shall run to the People of the State of Illinois, with
16 surety by a bonding or insurance company authorized to do
17 business in this State. It shall be conditioned upon the
18 proper transmittal of all title and registration fees and
19 taxes (excluding taxes under the Retailers' Occupation Tax
20 Act) accepted by the applicant as a used vehicle dealer.

21 9. Such other information concerning the business of
22 the applicant as the Secretary of State may by rule or
23 regulation prescribe.

24 10. A statement that the applicant understands Chapter
25 1 through Chapter 5 of this Code.

26 11. A copy of the certification from the prelicensing

1 education program.

2 12. The full name, address, and contact information of
3 each of the dealer's agents or legal representatives who
4 is an Illinois resident and liable for the performance of
5 the dealership.

6 (c) Any change which renders no longer accurate any
7 information contained in any application for a used vehicle
8 dealer's license shall be amended within 30 days after the
9 occurrence of each change on such form as the Secretary of
10 State may prescribe by rule or regulation, accompanied by an
11 amendatory fee of \$2.

12 (d) Anything in this Chapter to the contrary
13 notwithstanding, no person shall be licensed as a used vehicle
14 dealer unless such person maintains an established place of
15 business as defined in this Chapter.

16 (e) The Secretary of State shall, within a reasonable time
17 after receipt, examine an application submitted to him under
18 this Section. Unless the Secretary makes a determination that
19 the application submitted to him does not conform to this
20 Section or that grounds exist for a denial of the application
21 under Section 5-501 of this Chapter, he must grant the
22 applicant an original used vehicle dealer's license in writing
23 for his established place of business and a supplemental
24 license in writing for each additional place of business in
25 such form as he may prescribe by rule or regulation which shall
26 include the following:

- 1 1. The name of the person licensed;
 - 2 2. If a corporation, the name and address of its
3 officers or if a sole proprietorship, a partnership, an
4 unincorporated association or any similar form of business
5 organization, the name and address of the proprietor or of
6 each partner, member, officer, director, trustee, or
7 manager;
 - 8 3. In case of an original license, the established
9 place of business of the licensee;
 - 10 4. In the case of a supplemental license, the
11 established place of business of the licensee and the
12 additional place of business to which such supplemental
13 license pertains;
 - 14 5. The full name, address, and contact information of
15 each of the dealer's agents or legal representatives who
16 is an Illinois resident and liable for the performance of
17 the dealership.
- 18 (f) The appropriate instrument evidencing the license or a
19 certified copy thereof, provided by the Secretary of State
20 shall be kept posted, conspicuously, in the established place
21 of business of the licensee and in each additional place of
22 business, if any, maintained by such licensee.
- 23 (g) Except as provided in subsection (h) of this Section,
24 all used vehicle dealer's licenses granted under this Section
25 expire by operation of law on December 31 of the calendar year
26 for which they are granted unless sooner revoked or cancelled

1 under Section 5-501 of this Chapter.

2 (h) A used vehicle dealer's license may be renewed upon
3 application and payment of the fee required herein, and
4 submission of proof of coverage by an approved bond under the
5 "Retailers' Occupation Tax Act" or proof that applicant is not
6 subject to such bonding requirements, as in the case of an
7 original license, but in case an application for the renewal
8 of an effective license is made during the month of December,
9 the effective license shall remain in force until the
10 application for renewal is granted or denied by the Secretary
11 of State.

12 (i) All persons licensed as a used vehicle dealer are
13 required to furnish each purchaser of a motor vehicle:

14 1. A certificate of title properly assigned to the
15 purchaser;

16 2. A statement verified under oath that all
17 identifying numbers on the vehicle agree with those on the
18 certificate of title;

19 3. A bill of sale properly executed on behalf of such
20 person;

21 4. A copy of the Uniform Invoice-transaction reporting
22 return referred to in Section 5-402 of this Chapter;

23 5. In the case of a rebuilt vehicle, a copy of the
24 Disclosure of Rebuilt Vehicle Status; and

25 6. In the case of a vehicle for which the warranty has
26 been reinstated, a copy of the warranty.

1 (j) A real estate broker holding a valid certificate of
2 registration issued pursuant to "The Real Estate Brokers and
3 Salesmen License Act" may engage in the business of selling or
4 dealing in house trailers not his own without being licensed
5 as a used vehicle dealer under this Section; however such
6 broker shall maintain a record of the transaction including
7 the following:

8 (1) the name and address of the buyer and seller,

9 (2) the date of sale,

10 (3) a description of the mobile home, including the
11 vehicle identification number, make, model, and year, and

12 (4) the Illinois certificate of title number.

13 The foregoing records shall be available for inspection by
14 any officer of the Secretary of State's Office at any
15 reasonable hour.

16 (k) Except at the time of sale or repossession of the
17 vehicle, no person licensed as a used vehicle dealer may issue
18 any other person a newly created key to a vehicle unless the
19 used vehicle dealer makes a color photocopy or electronic scan
20 of the driver's license or State identification card of the
21 person requesting or obtaining the newly created key. The used
22 vehicle dealer must retain the photocopy or scan for 30 days.

23 A used vehicle dealer who violates this subsection (k) is
24 guilty of a petty offense. Violation of this subsection (k) is
25 not cause to suspend, revoke, cancel, or deny renewal of the
26 used vehicle dealer's license.

1 (1) Used vehicle dealers licensed under this Section shall
2 provide the Secretary of State a register for the sale at
3 auction of each salvage or junk certificate vehicle. Each
4 register shall include the following information:

5 1. The year, make, model, style, and color of the
6 vehicle;

7 2. The vehicle's manufacturer's identification number
8 or, if applicable, the Secretary of State or Illinois
9 State Police identification number;

10 3. The date of acquisition of the vehicle;

11 4. The name and address of the person from whom the
12 vehicle was acquired;

13 5. The name and address of the person to whom any
14 vehicle was disposed, the person's Illinois license number
15 or if the person is an out-of-state salvage vehicle buyer,
16 the license number from the state or jurisdiction where
17 the buyer is licensed; and

18 6. The purchase price of the vehicle.

19 The register shall be submitted to the Secretary of State
20 via written or electronic means within 10 calendar days from
21 the date of the auction.

22 (m) If a licensee under this Section voluntarily
23 surrenders a license to the Illinois Secretary of State Police
24 or a representative of the Secretary of State Vehicle Services
25 Department due to the licensee's inability to adhere to
26 recordkeeping provisions, or the inability to properly issue

1 certificates of title or registrations under this Code, or the
2 Secretary revokes a license under this Section, then the
3 licensee and the licensee's agent, designee, or legal
4 representative, if applicable, may not be named on a new
5 application for a license under this Section or under this
6 Chapter, nor is the licensee or the licensee's agent,
7 designee, or legal representative permitted to work for
8 another licensee under this Chapter in a recordkeeping,
9 management, or financial position or as an employee who
10 handles certificate of title and registration documents and
11 applications.

12 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22;
13 102-538, eff. 8-20-21; revised 10-15-21.)

14 (625 ILCS 5/5-102.8)

15 Sec. 5-102.8. Licensure of Buy Here, Pay Here used vehicle
16 dealers.

17 (a) As used in this Section, "Buy Here, Pay Here used
18 vehicle dealer" means any entity that engages in the business
19 of selling or leasing of vehicles and finances the sale or
20 purchase price of the vehicle to a customer without the
21 customer using a third-party lender.

22 (b) No person shall engage in the business of selling or
23 dealing in, on consignment or otherwise, 5 or more used
24 vehicles of any make during the year (except rebuilt salvage
25 vehicles sold by their rebuilders to persons licensed under

1 this Chapter), or act as an intermediary, agent, or broker for
2 any licensed dealer or vehicle purchaser (other than as a
3 salesperson) or represent or advertise that he or she is so
4 engaged or intends to so engage in such business of a Buy Here,
5 Pay Here used vehicle dealer unless licensed to do so by the
6 Secretary of State under the provisions of this Section.

7 (c) An application for a Buy Here, Pay Here used vehicle
8 dealer's license shall be filed with the Secretary of State,
9 duly verified by oath, in such form as the Secretary of State
10 may by rule or regulation prescribe and shall contain:

11 (1) The name and type of business organization
12 established and additional places of business, if any, in
13 this State.

14 (2) If the applicant is a corporation, a list of its
15 officers, directors, and shareholders having a 10% or
16 greater ownership interest in the corporation, setting
17 forth the residence address of each; if the applicant is a
18 sole proprietorship, a partnership, an unincorporated
19 association, a trust, or any similar form of business
20 organization, the names and residence address of the
21 proprietor or of each partner, member, officer, director,
22 trustee, or manager.

23 (3) A statement that the applicant has been approved
24 for registration under the Retailers' Occupation Tax Act
25 by the Department of Revenue. However, this requirement
26 does not apply to a dealer who is already licensed

1 hereunder with the Secretary of State, and who is merely
2 applying for a renewal of his or her license. As evidence
3 of this fact, the application shall be accompanied by a
4 certification from the Department of Revenue showing that
5 the Department has approved the applicant for registration
6 under the Retailers' Occupation Tax Act.

7 (4) A statement that the applicant has complied with
8 the appropriate liability insurance requirement. A
9 Certificate of Insurance in a solvent company authorized
10 to do business in the State of Illinois shall be included
11 with each application covering each location at which he
12 or she proposes to act as a Buy Here, Pay Here used vehicle
13 dealer. The policy must provide liability coverage in the
14 minimum amounts of \$100,000 for bodily injury to, or death
15 of, any person, \$300,000 for bodily injury to, or death
16 of, 2 or more persons in any one crash ~~accident~~, and
17 \$50,000 for damage to property. Such policy shall expire
18 not sooner than December 31 of the year for which the
19 license was issued or renewed. The expiration of the
20 insurance policy shall not terminate the liability under
21 the policy arising during the period for which the policy
22 was filed.

23 If the permitted user has a liability insurance policy
24 that provides automobile liability insurance coverage of
25 at least \$100,000 for bodily injury to or the death of any
26 person, \$300,000 for bodily injury to or the death of any 2

1 or more persons in any one crash ~~accident~~, and \$50,000 for
2 damage to property, then the permitted user's insurer
3 shall be the primary insurer and the dealer's insurer
4 shall be the secondary insurer. If the permitted user does
5 not have a liability insurance policy that provides
6 automobile liability insurance coverage of at least
7 \$100,000 for bodily injury to or the death of any person,
8 \$300,000 for bodily injury to or the death of any 2 or more
9 persons in any one crash ~~accident~~, and \$50,000 for damage
10 to property, or does not have any insurance at all, then
11 the dealer's insurer shall be the primary insurer and the
12 permitted user's insurer shall be the secondary insurer.

13 When a permitted user is "test driving" a Buy Here,
14 Pay Here used vehicle dealer's automobile, the Buy Here,
15 Pay Here used vehicle dealer's insurance shall be primary
16 and the permitted user's insurance shall be secondary.

17 As used in this paragraph, "permitted user" means a
18 person who, with the permission of the Buy Here, Pay Here
19 used vehicle dealer or an employee of the Buy Here, Pay
20 Here used vehicle dealer, drives a vehicle owned and held
21 for sale or lease by the Buy Here, Pay Here used vehicle
22 dealer that the person is considering to purchase or
23 lease, in order to evaluate the performance, reliability,
24 or condition of the vehicle. "Permitted user" includes a
25 person who, with the permission of the Buy Here, Pay Here
26 used vehicle dealer, drives a vehicle owned or held for

1 sale or lease by the Buy Here, Pay Here used vehicle dealer
2 for loaner purposes while the user's vehicle is being
3 repaired or evaluated.

4 As used in this paragraph, "test driving" occurs when
5 a permitted user who, with the permission of the Buy Here,
6 Pay Here used vehicle dealer or an employee of the Buy
7 Here, Pay Here used vehicle dealer, drives a vehicle owned
8 and held for sale or lease by a Buy Here, Pay Here used
9 vehicle dealer that the person is considering to purchase
10 or lease, in order to evaluate the performance,
11 reliability, or condition of the vehicle.

12 As used in this paragraph, "loaner purposes" means
13 when a person who, with the permission of the Buy Here, Pay
14 Here used vehicle dealer, drives a vehicle owned or held
15 for sale or lease by the used vehicle dealer while the
16 user's vehicle is being repaired or evaluated.

17 (5) An application for a Buy Here, Pay Here used
18 vehicle dealer's license shall be accompanied by the
19 following license fees:

20 (A) \$1,000 for the applicant's established place
21 of business, and \$50 for each additional place of
22 business, if any, to which the application pertains;
23 however, if the application is made after June 15 of
24 any year, the license fee shall be \$500 for the
25 applicant's established place of business plus \$25 for
26 each additional place of business, if any, to which

1 the application pertains. License fees shall be
2 returnable only if the application is denied by the
3 Secretary of State. Of the money received by the
4 Secretary of State as license fees under this
5 subparagraph, 95% shall be deposited into the General
6 Revenue Fund.

7 (B) Except for dealers selling 25 or fewer
8 automobiles or as provided in subsection (h) of
9 Section 5-102.7 of this Code, an Annual Dealer
10 Recovery Fund Fee in the amount of \$500 for the
11 applicant's established place of business, and \$50 for
12 each additional place of business, if any, to which
13 the application pertains; but if the application is
14 made after June 15 of any year, the fee shall be \$250
15 for the applicant's established place of business plus
16 \$25 for each additional place of business, if any, to
17 which the application pertains. For a license renewal
18 application, the fee shall be based on the amount of
19 automobiles sold in the past year according to the
20 following formula:

21 (1) \$0 for dealers selling 25 or less
22 automobiles;

23 (2) \$150 for dealers selling more than 25 but
24 less than 200 automobiles;

25 (3) \$300 for dealers selling 200 or more
26 automobiles but less than 300 automobiles; and

1 (D) the Dealers, Transporters, Wreckers and
2 Rebuilders Laws of this Code;

3 (E) Section 21-2 of the Illinois Criminal Code of
4 1961 or the Criminal Code of 2012, Criminal Trespass
5 to Vehicles; or

6 (F) the Retailers' Occupation Tax Act.

7 (7) A statement that each officer, director,
8 shareholder having a 10% or greater ownership interest
9 therein, proprietor, partner, member, officer, director,
10 trustee, manager, or other principal in the business of
11 the applicant has not committed in any calendar year 3 or
12 more violations, as determined in any civil, criminal, or
13 administrative proceedings, of any one or more of the
14 following:

15 (A) the Consumer Finance Act;

16 (B) the Consumer Installment Loan Act;

17 (C) the Retail Installment Sales Act;

18 (D) the Motor Vehicle Retail Installment Sales
19 Act;

20 (E) the Interest Act;

21 (F) the Illinois Wage Assignment Act;

22 (G) Part 8 of Article XII of the Code of Civil
23 Procedure; or

24 (H) the Consumer Fraud and Deceptive Business
25 Practices Act.

26 (8) A statement that, within 10 years of application,

1 each officer, director, shareholder having a 10% or
2 greater ownership interest therein, proprietor, partner,
3 member, officer, director, trustee, manager, or other
4 principal in the business of the applicant has not
5 committed, as determined in any civil, criminal, or
6 administrative proceeding, in any calendar year one or
7 more forcible felonies under the Criminal Code of 1961 or
8 the Criminal Code of 2012, or a violation of either or both
9 Article 16 or 17 of the Criminal Code of 1961, or a
10 violation of either or both Article 16 or 17 of the
11 Criminal Code of 2012, Article 29B of the Criminal Code of
12 1961 or the Criminal Code of 2012, or a similar
13 out-of-state offense. For the purposes of this paragraph,
14 "forcible felony" has the meaning provided in Section 2-8
15 of the Criminal Code of 2012.

16 (9) A bond or Certificate of Deposit in the amount of
17 \$50,000 for each location at which the applicant intends
18 to act as a Buy Here, Pay Here used vehicle dealer. The
19 bond shall be for the term of the license. The bond shall
20 run to the People of the State of Illinois, with surety by
21 a bonding or insurance company authorized to do business
22 in this State. It shall be conditioned upon the proper
23 transmittal of all title and registration fees and taxes
24 (excluding taxes under the Retailers' Occupation Tax Act)
25 accepted by the applicant as a Buy Here, Pay Here used
26 vehicle dealer.

1 (10) Such other information concerning the business of
2 the applicant as the Secretary of State may by rule
3 prescribe.

4 (11) A statement that the applicant understands
5 Chapter 1 through Chapter 5 of this Code.

6 (12) A copy of the certification from the prelicensing
7 education program.

8 (13) The full name, address, and contact information
9 of each of the dealer's agents or legal representatives
10 who is an Illinois resident and liable for the performance
11 of the dealership.

12 (d) Any change that renders no longer accurate any
13 information contained in any application for a Buy Here, Pay
14 Here used vehicle dealer's license shall be amended within 30
15 days after the occurrence of each change on such form as the
16 Secretary of State may prescribe by rule, accompanied by an
17 amendatory fee of \$2.

18 (e) Anything in this Chapter to the contrary
19 notwithstanding, no person shall be licensed as a Buy Here,
20 Pay Here used vehicle dealer unless the person maintains an
21 established place of business as defined in this Chapter.

22 (f) The Secretary of State shall, within a reasonable time
23 after receipt, examine an application submitted under this
24 Section. Unless the Secretary makes a determination that the
25 application does not conform to this Section or that grounds
26 exist for a denial of the application under Section 5-501 of

1 this Chapter, the Secretary must grant the applicant an
2 original Buy Here, Pay Here used vehicle dealer's license in
3 writing for his or her established place of business and a
4 supplemental license in writing for each additional place of
5 business in such form as the Secretary may prescribe by rule
6 that shall include the following:

7 (1) The name of the person licensed.

8 (2) If a corporation, the name and address of its
9 officers or if a sole proprietorship, a partnership, an
10 unincorporated association, or any similar form of
11 business organization, the name and address of the
12 proprietor or of each partner, member, officer, director,
13 trustee, or manager.

14 (3) In the case of an original license, the
15 established place of business of the licensee.

16 (4) In the case of a supplemental license, the
17 established place of business of the licensee and the
18 additional place of business to which the supplemental
19 license pertains.

20 (5) The full name, address, and contact information of
21 each of the dealer's agents or legal representatives who
22 is an Illinois resident and liable for the performance of
23 the dealership.

24 (g) The appropriate instrument evidencing the license or a
25 certified copy thereof, provided by the Secretary of State
26 shall be kept posted, conspicuously, in the established place

1 of business of the licensee and in each additional place of
2 business, if any, maintained by the licensee.

3 (h) Except as provided in subsection (i), all Buy Here,
4 Pay Here used vehicle dealer's licenses granted under this
5 Section expire by operation of law on December 31 of the
6 calendar year for which they are granted unless sooner revoked
7 or cancelled under Section 5-501 of this Chapter.

8 (i) A Buy Here, Pay Here used vehicle dealer's license may
9 be renewed upon application and payment of the fee required
10 herein, and submission of proof of coverage by an approved
11 bond under the Retailers' Occupation Tax Act or proof that the
12 applicant is not subject to such bonding requirements, as in
13 the case of an original license, but in the case of an
14 application for the renewal of an effective license made
15 during the month of December, the effective license shall
16 remain in force until the application for renewal is granted
17 or denied by the Secretary of State.

18 (j) Each person licensed as a Buy Here, Pay Here used
19 vehicle dealer is required to furnish each purchaser of a
20 motor vehicle:

21 (1) a certificate of title properly assigned to the
22 purchaser;

23 (2) a statement verified under oath that all
24 identifying numbers on the vehicle agree with those on the
25 certificate of title;

26 (3) a bill of sale properly executed on behalf of the

1 person;

2 (4) a copy of the Uniform Invoice-transaction
3 reporting return referred to in Section 5-402;

4 (5) in the case of a rebuilt vehicle, a copy of the
5 Disclosure of Rebuilt Vehicle Status; and

6 (6) in the case of a vehicle for which the warranty has
7 been reinstated, a copy of the warranty.

8 (k) Except at the time of sale or repossession of the
9 vehicle, no person licensed as a Buy Here, Pay Here used
10 vehicle dealer may issue any other person a newly created key
11 to a vehicle unless the Buy Here, Pay Here used vehicle dealer
12 makes a color photocopy or electronic scan of the driver's
13 license or State identification card of the person requesting
14 or obtaining the newly created key. The Buy Here, Pay Here used
15 vehicle dealer must retain the photocopy or scan for 30 days.

16 A Buy Here, Pay Here used vehicle dealer who violates this
17 subsection (k) is guilty of a petty offense. Violation of this
18 subsection (k) is not cause to suspend, revoke, cancel, or
19 deny renewal of the used vehicle dealer's license.

20 (l) A Buy Here, Pay Here used vehicle dealer licensed
21 under this Section shall provide the Secretary of State a
22 register for the sale at auction of each salvage or junk
23 certificate vehicle. Each register shall include the following
24 information:

25 (1) the year, make, model, style, and color of the
26 vehicle;

1 (2) the vehicle's manufacturer's identification number
2 or, if applicable, the Secretary of State or Illinois
3 Department of State Police identification number;

4 (3) the date of acquisition of the vehicle;

5 (4) the name and address of the person from whom the
6 vehicle was acquired;

7 (5) the name and address of the person to whom any
8 vehicle was disposed, the person's Illinois license number
9 or, if the person is an out-of-state salvage vehicle
10 buyer, the license number from the state or jurisdiction
11 where the buyer is licensed; and

12 (6) the purchase price of the vehicle.

13 The register shall be submitted to the Secretary of State
14 via written or electronic means within 10 calendar days from
15 the date of the auction.

16 (m) If a licensee under this Section voluntarily
17 surrenders a license to the Illinois Secretary of State Police
18 or a representative of the Secretary of State Vehicle Services
19 Department due to the licensee's inability to adhere to
20 recordkeeping provisions, or the inability to properly issue
21 certificates of title or registrations under this Code, or the
22 Secretary revokes a license under this Section, then the
23 licensee and the licensee's agent, designee, or legal
24 representative, if applicable, may not be named on a new
25 application for a licensee under this Section or under this
26 Chapter, nor is the licensee or the licensee's agent,

1 designee, or legal representative permitted to work for
2 another licensee under this Chapter in a recordkeeping,
3 management, or financial position or as an employee who
4 handles certificate of title and registration documents and
5 applications.

6 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22.)

7 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

8 Sec. 6-101. Drivers must have licenses or permits.

9 (a) No person, except those expressly exempted by Section
10 6-102, shall drive any motor vehicle upon a highway in this
11 State unless such person has a valid license or permit, or a
12 restricted driving permit, issued under the provisions of this
13 Act.

14 (b) No person shall drive a motor vehicle unless he holds a
15 valid license or permit, or a restricted driving permit issued
16 under the provisions of Section 6-205, 6-206, or 6-113 of this
17 Act. Any person to whom a license is issued under the
18 provisions of this Act must surrender to the Secretary of
19 State all valid licenses or permits, except that an applicant
20 for a non-domiciled commercial learner's permit or commercial
21 driver's license shall not be required to surrender a license
22 or permit issued by the applicant's state or country of
23 domicile. No drivers license or instruction permit shall be
24 issued to any person who holds a valid Foreign State license,
25 identification card, or permit unless such person first

1 surrenders to the Secretary of State any such valid Foreign
2 State license, identification card, or permit.

3 (b-5) Any person who commits a violation of subsection (a)
4 or (b) of this Section is guilty of a Class A misdemeanor, if
5 at the time of the violation the person's driver's license or
6 permit was cancelled under clause (a)9 of Section 6-201 of
7 this Code.

8 (c) Any person licensed as a driver hereunder shall not be
9 required by any city, village, incorporated town or other
10 municipal corporation to obtain any other license to exercise
11 the privilege thereby granted.

12 (d) In addition to other penalties imposed under this
13 Section, any person in violation of this Section who is also in
14 violation of Section 7-601 of this Code relating to mandatory
15 insurance requirements shall have his or her motor vehicle
16 immediately impounded by the arresting law enforcement
17 officer. The motor vehicle may be released to any licensed
18 driver upon a showing of proof of insurance for the motor
19 vehicle that was impounded and the notarized written consent
20 for the release by the vehicle owner.

21 (e) In addition to other penalties imposed under this
22 Section, the vehicle of any person in violation of this
23 Section who is also in violation of Section 7-601 of this Code
24 relating to mandatory insurance requirements and who, in
25 violating this Section, has caused death or personal injury to
26 another person is subject to forfeiture under Sections 36-1

1 and 36-2 of the Criminal Code of 2012. For the purposes of this
2 Section, a personal injury shall include any type A injury as
3 indicated on the traffic crash ~~accident~~ report completed by a
4 law enforcement officer that requires immediate professional
5 attention in either a doctor's office or a medical facility. A
6 type A injury shall include severely bleeding wounds,
7 distorted extremities, and injuries that require the injured
8 party to be carried from the scene.

9 (Source: P.A. 97-229, eff. 7-28-11; 97-1150, eff. 1-25-13;
10 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A.
11 99-414 for the effective date of changes made by P.A.
12 98-176).)

13 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

14 Sec. 6-106.1. School bus driver permit.

15 (a) The Secretary of State shall issue a school bus driver
16 permit to those applicants who have met all the requirements
17 of the application and screening process under this Section to
18 insure the welfare and safety of children who are transported
19 on school buses throughout the State of Illinois. Applicants
20 shall obtain the proper application required by the Secretary
21 of State from their prospective or current employer and submit
22 the completed application to the prospective or current
23 employer along with the necessary fingerprint submission as
24 required by the Illinois State Police to conduct fingerprint
25 based criminal background checks on current and future

1 information available in the state system and current
2 information available through the Federal Bureau of
3 Investigation's system. Applicants who have completed the
4 fingerprinting requirements shall not be subjected to the
5 fingerprinting process when applying for subsequent permits or
6 submitting proof of successful completion of the annual
7 refresher course. Individuals who on July 1, 1995 (the
8 effective date of Public Act 88-612) possess a valid school
9 bus driver permit that has been previously issued by the
10 appropriate Regional School Superintendent are not subject to
11 the fingerprinting provisions of this Section as long as the
12 permit remains valid and does not lapse. The applicant shall
13 be required to pay all related application and fingerprinting
14 fees as established by rule including, but not limited to, the
15 amounts established by the Illinois State Police and the
16 Federal Bureau of Investigation to process fingerprint based
17 criminal background investigations. All fees paid for
18 fingerprint processing services under this Section shall be
19 deposited into the State Police Services Fund for the cost
20 incurred in processing the fingerprint based criminal
21 background investigations. All other fees paid under this
22 Section shall be deposited into the Road Fund for the purpose
23 of defraying the costs of the Secretary of State in
24 administering this Section. All applicants must:

25 1. be 21 years of age or older;

26 2. possess a valid and properly classified driver's

1 license issued by the Secretary of State;

2 3. possess a valid driver's license, which has not
3 been revoked, suspended, or canceled for 3 years
4 immediately prior to the date of application, or have not
5 had his or her commercial motor vehicle driving privileges
6 disqualified within the 3 years immediately prior to the
7 date of application;

8 4. successfully pass a written test, administered by
9 the Secretary of State, on school bus operation, school
10 bus safety, and special traffic laws relating to school
11 buses and submit to a review of the applicant's driving
12 habits by the Secretary of State at the time the written
13 test is given;

14 5. demonstrate ability to exercise reasonable care in
15 the operation of school buses in accordance with rules
16 promulgated by the Secretary of State;

17 6. demonstrate physical fitness to operate school
18 buses by submitting the results of a medical examination,
19 including tests for drug use for each applicant not
20 subject to such testing pursuant to federal law, conducted
21 by a licensed physician, a licensed advanced practice
22 registered nurse, or a licensed physician assistant within
23 90 days of the date of application according to standards
24 promulgated by the Secretary of State;

25 7. affirm under penalties of perjury that he or she
26 has not made a false statement or knowingly concealed a

1 material fact in any application for permit;

2 8. have completed an initial classroom course,
3 including first aid procedures, in school bus driver
4 safety as promulgated by the Secretary of State; and after
5 satisfactory completion of said initial course an annual
6 refresher course; such courses and the agency or
7 organization conducting such courses shall be approved by
8 the Secretary of State; failure to complete the annual
9 refresher course, shall result in cancellation of the
10 permit until such course is completed;

11 9. not have been under an order of court supervision
12 for or convicted of 2 or more serious traffic offenses, as
13 defined by rule, within one year prior to the date of
14 application that may endanger the life or safety of any of
15 the driver's passengers within the duration of the permit
16 period;

17 10. not have been under an order of court supervision
18 for or convicted of reckless driving, aggravated reckless
19 driving, driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or
21 any combination thereof, or reckless homicide resulting
22 from the operation of a motor vehicle within 3 years of the
23 date of application;

24 11. not have been convicted of committing or
25 attempting to commit any one or more of the following
26 offenses: (i) those offenses defined in Sections 8-1,

1 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
2 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
4 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
5 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
6 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
7 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
8 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,
9 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
10 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,
11 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
12 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,
13 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
14 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
15 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
16 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
17 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
18 of Section 24-3, and those offenses contained in Article
19 29D of the Criminal Code of 1961 or the Criminal Code of
20 2012; (ii) those offenses defined in the Cannabis Control
21 Act except those offenses defined in subsections (a) and
22 (b) of Section 4, and subsection (a) of Section 5 of the
23 Cannabis Control Act; (iii) those offenses defined in the
24 Illinois Controlled Substances Act; (iv) those offenses
25 defined in the Methamphetamine Control and Community
26 Protection Act; ~~and~~ (v) any offense committed or attempted

1 in any other state or against the laws of the United
2 States, which if committed or attempted in this State
3 would be punishable as one or more of the foregoing
4 offenses; (vi) the offenses defined in Section 4.1 and 5.1
5 of the Wrongs to Children Act or Section 11-9.1A of the
6 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
7 those offenses defined in Section 6-16 of the Liquor
8 Control Act of 1934; and (viii) those offenses defined in
9 the Methamphetamine Precursor Control Act;

10 12. not have been repeatedly involved as a driver in
11 motor vehicle collisions or been repeatedly convicted of
12 offenses against laws and ordinances regulating the
13 movement of traffic, to a degree which indicates lack of
14 ability to exercise ordinary and reasonable care in the
15 safe operation of a motor vehicle or disrespect for the
16 traffic laws and the safety of other persons upon the
17 highway;

18 13. not have, through the unlawful operation of a
19 motor vehicle, caused a crash ~~an accident~~ resulting in the
20 death of any person;

21 14. not have, within the last 5 years, been adjudged
22 to be afflicted with or suffering from any mental
23 disability or disease;

24 15. consent, in writing, to the release of results of
25 reasonable suspicion drug and alcohol testing under
26 Section 6-106.1c of this Code by the employer of the

1 applicant to the Secretary of State; and

2 16. not have been convicted of committing or
3 attempting to commit within the last 20 years: (i) an
4 offense defined in subsection (c) of Section 4, subsection
5 (b) of Section 5, and subsection (a) of Section 8 of the
6 Cannabis Control Act; or (ii) any offenses in any other
7 state or against the laws of the United States that, if
8 committed or attempted in this State, would be punishable
9 as one or more of the foregoing offenses.

10 (b) A school bus driver permit shall be valid for a period
11 specified by the Secretary of State as set forth by rule. It
12 shall be renewable upon compliance with subsection (a) of this
13 Section.

14 (c) A school bus driver permit shall contain the holder's
15 driver's license number, legal name, residence address, zip
16 code, and date of birth, a brief description of the holder and
17 a space for signature. The Secretary of State may require a
18 suitable photograph of the holder.

19 (d) The employer shall be responsible for conducting a
20 pre-employment interview with prospective school bus driver
21 candidates, distributing school bus driver applications and
22 medical forms to be completed by the applicant, and submitting
23 the applicant's fingerprint cards to the Illinois State Police
24 that are required for the criminal background investigations.
25 The employer shall certify in writing to the Secretary of
26 State that all pre-employment conditions have been

1 successfully completed including the successful completion of
2 an Illinois specific criminal background investigation through
3 the Illinois State Police and the submission of necessary
4 fingerprints to the Federal Bureau of Investigation for
5 criminal history information available through the Federal
6 Bureau of Investigation system. The applicant shall present
7 the certification to the Secretary of State at the time of
8 submitting the school bus driver permit application.

9 (e) Permits shall initially be provisional upon receiving
10 certification from the employer that all pre-employment
11 conditions have been successfully completed, and upon
12 successful completion of all training and examination
13 requirements for the classification of the vehicle to be
14 operated, the Secretary of State shall provisionally issue a
15 School Bus Driver Permit. The permit shall remain in a
16 provisional status pending the completion of the Federal
17 Bureau of Investigation's criminal background investigation
18 based upon fingerprinting specimens submitted to the Federal
19 Bureau of Investigation by the Illinois State Police. The
20 Federal Bureau of Investigation shall report the findings
21 directly to the Secretary of State. The Secretary of State
22 shall remove the bus driver permit from provisional status
23 upon the applicant's successful completion of the Federal
24 Bureau of Investigation's criminal background investigation.

25 (f) A school bus driver permit holder shall notify the
26 employer and the Secretary of State if he or she is issued an

1 order of court supervision for or convicted in another state
2 of an offense that would make him or her ineligible for a
3 permit under subsection (a) of this Section. The written
4 notification shall be made within 5 days of the entry of the
5 order of court supervision or conviction. Failure of the
6 permit holder to provide the notification is punishable as a
7 petty offense for a first violation and a Class B misdemeanor
8 for a second or subsequent violation.

9 (g) Cancellation; suspension; notice and procedure.

10 (1) The Secretary of State shall cancel a school bus
11 driver permit of an applicant whose criminal background
12 investigation discloses that he or she is not in
13 compliance with the provisions of subsection (a) of this
14 Section.

15 (2) The Secretary of State shall cancel a school bus
16 driver permit when he or she receives notice that the
17 permit holder fails to comply with any provision of this
18 Section or any rule promulgated for the administration of
19 this Section.

20 (3) The Secretary of State shall cancel a school bus
21 driver permit if the permit holder's restricted commercial
22 or commercial driving privileges are withdrawn or
23 otherwise invalidated.

24 (4) The Secretary of State may not issue a school bus
25 driver permit for a period of 3 years to an applicant who
26 fails to obtain a negative result on a drug test as

1 required in item 6 of subsection (a) of this Section or
2 under federal law.

3 (5) The Secretary of State shall forthwith suspend a
4 school bus driver permit for a period of 3 years upon
5 receiving notice that the holder has failed to obtain a
6 negative result on a drug test as required in item 6 of
7 subsection (a) of this Section or under federal law.

8 (6) The Secretary of State shall suspend a school bus
9 driver permit for a period of 3 years upon receiving
10 notice from the employer that the holder failed to perform
11 the inspection procedure set forth in subsection (a) or
12 (b) of Section 12-816 of this Code.

13 (7) The Secretary of State shall suspend a school bus
14 driver permit for a period of 3 years upon receiving
15 notice from the employer that the holder refused to submit
16 to an alcohol or drug test as required by Section 6-106.1c
17 or has submitted to a test required by that Section which
18 disclosed an alcohol concentration of more than 0.00 or
19 disclosed a positive result on a National Institute on
20 Drug Abuse five-drug panel, utilizing federal standards
21 set forth in 49 CFR 40.87.

22 The Secretary of State shall notify the State
23 Superintendent of Education and the permit holder's
24 prospective or current employer that the applicant has (1) has
25 failed a criminal background investigation or (2) is no longer
26 eligible for a school bus driver permit; and of the related

1 cancellation of the applicant's provisional school bus driver
2 permit. The cancellation shall remain in effect pending the
3 outcome of a hearing pursuant to Section 2-118 of this Code.
4 The scope of the hearing shall be limited to the issuance
5 criteria contained in subsection (a) of this Section. A
6 petition requesting a hearing shall be submitted to the
7 Secretary of State and shall contain the reason the individual
8 feels he or she is entitled to a school bus driver permit. The
9 permit holder's employer shall notify in writing to the
10 Secretary of State that the employer has certified the removal
11 of the offending school bus driver from service prior to the
12 start of that school bus driver's next workshift. An employing
13 school board that fails to remove the offending school bus
14 driver from service is subject to the penalties defined in
15 Section 3-14.23 of the School Code. A school bus contractor
16 who violates a provision of this Section is subject to the
17 penalties defined in Section 6-106.11.

18 All valid school bus driver permits issued under this
19 Section prior to January 1, 1995, shall remain effective until
20 their expiration date unless otherwise invalidated.

21 (h) When a school bus driver permit holder who is a service
22 member is called to active duty, the employer of the permit
23 holder shall notify the Secretary of State, within 30 days of
24 notification from the permit holder, that the permit holder
25 has been called to active duty. Upon notification pursuant to
26 this subsection, (i) the Secretary of State shall characterize

1 the permit as inactive until a permit holder renews the permit
2 as provided in subsection (i) of this Section, and (ii) if a
3 permit holder fails to comply with the requirements of this
4 Section while called to active duty, the Secretary of State
5 shall not characterize the permit as invalid.

6 (i) A school bus driver permit holder who is a service
7 member returning from active duty must, within 90 days, renew
8 a permit characterized as inactive pursuant to subsection (h)
9 of this Section by complying with the renewal requirements of
10 subsection (b) of this Section.

11 (j) For purposes of subsections (h) and (i) of this
12 Section:

13 "Active duty" means active duty pursuant to an executive
14 order of the President of the United States, an act of the
15 Congress of the United States, or an order of the Governor.

16 "Service member" means a member of the Armed Services or
17 reserve forces of the United States or a member of the Illinois
18 National Guard.

19 (k) A private carrier employer of a school bus driver
20 permit holder, having satisfied the employer requirements of
21 this Section, shall be held to a standard of ordinary care for
22 intentional acts committed in the course of employment by the
23 bus driver permit holder. This subsection (k) shall in no way
24 limit the liability of the private carrier employer for
25 violation of any provision of this Section or for the
26 negligent hiring or retention of a school bus driver permit

1 holder.

2 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
3 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; revised
4 10-13-21.)

5 (625 ILCS 5/6-106.1a)

6 Sec. 6-106.1a. Cancellation of school bus driver permit;
7 trace of alcohol.

8 (a) A person who has been issued a school bus driver permit
9 by the Secretary of State in accordance with Section 6-106.1
10 of this Code and who drives or is in actual physical control of
11 a school bus or any other vehicle owned or operated by or for a
12 public or private school, or a school operated by a religious
13 institution, when the vehicle is being used over a regularly
14 scheduled route for the transportation of persons enrolled as
15 students in grade 12 or below, in connection with any activity
16 of the entities listed, upon the public highways of this State
17 shall be deemed to have given consent to a chemical test or
18 tests of blood, breath, other bodily substance, or urine for
19 the purpose of determining the alcohol content of the person's
20 blood if arrested, as evidenced by the issuance of a Uniform
21 Traffic Ticket for any violation of this Code or a similar
22 provision of a local ordinance, if a police officer has
23 probable cause to believe that the driver has consumed any
24 amount of an alcoholic beverage based upon evidence of the
25 driver's physical condition or other first hand knowledge of

1 the police officer. The test or tests shall be administered at
2 the direction of the arresting officer. The law enforcement
3 agency employing the officer shall designate which of the
4 aforesaid tests shall be administered. A urine or other bodily
5 substance test may be administered even after a blood or
6 breath test or both has been administered.

7 (b) A person who is dead, unconscious, or who is otherwise
8 in a condition rendering that person incapable of refusal,
9 shall be deemed not to have withdrawn the consent provided by
10 paragraph (a) of this Section and the test or tests may be
11 administered subject to the following provisions:

12 (1) Chemical analysis of the person's blood, urine,
13 breath, or other bodily substance, to be considered valid
14 under the provisions of this Section, shall have been
15 performed according to standards promulgated by the
16 Illinois State Police by an individual possessing a valid
17 permit issued by the Illinois State Police for this
18 purpose. The Director of the Illinois State Police is
19 authorized to approve satisfactory techniques or methods,
20 to ascertain the qualifications and competence of
21 individuals to conduct analyses, to issue permits that
22 shall be subject to termination or revocation at the
23 direction of the Illinois State Police, and to certify the
24 accuracy of breath testing equipment. The Illinois State
25 Police shall prescribe rules as necessary.

26 (2) When a person submits to a blood test at the

1 request of a law enforcement officer under the provisions
2 of this Section, only a physician authorized to practice
3 medicine, a licensed physician assistant, a licensed
4 advanced practice registered nurse, a registered nurse, or
5 other qualified person trained in venipuncture and acting
6 under the direction of a licensed physician may withdraw
7 blood for the purpose of determining the alcohol content.
8 This limitation does not apply to the taking of breath,
9 other bodily substance, or urine specimens.

10 (3) The person tested may have a physician, qualified
11 technician, chemist, registered nurse, or other qualified
12 person of his or her own choosing administer a chemical
13 test or tests in addition to any test or tests
14 administered at the direction of a law enforcement
15 officer. The test administered at the request of the
16 person may be admissible into evidence at a hearing
17 conducted in accordance with Section 2-118 of this Code.
18 The failure or inability to obtain an additional test by a
19 person shall not preclude the consideration of the
20 previously performed chemical test.

21 (4) Upon a request of the person who submits to a
22 chemical test or tests at the request of a law enforcement
23 officer, full information concerning the test or tests
24 shall be made available to the person or that person's
25 attorney by the requesting law enforcement agency within
26 72 hours of receipt of the test result.

1 (5) Alcohol concentration means either grams of
2 alcohol per 100 milliliters of blood or grams of alcohol
3 per 210 liters of breath.

4 (6) If a driver is receiving medical treatment as a
5 result of a motor vehicle crash ~~accident~~, a physician
6 licensed to practice medicine, licensed physician
7 assistant, licensed advanced practice registered nurse,
8 registered nurse, or other qualified person trained in
9 venipuncture and acting under the direction of a licensed
10 physician shall withdraw blood for testing purposes to
11 ascertain the presence of alcohol upon the specific
12 request of a law enforcement officer. However, that
13 testing shall not be performed until, in the opinion of
14 the medical personnel on scene, the withdrawal can be made
15 without interfering with or endangering the well-being of
16 the patient.

17 (c) A person requested to submit to a test as provided in
18 this Section shall be warned by the law enforcement officer
19 requesting the test that a refusal to submit to the test, or
20 submission to the test resulting in an alcohol concentration
21 of more than 0.00, may result in the loss of that person's
22 privilege to possess a school bus driver permit. The loss of
23 the individual's privilege to possess a school bus driver
24 permit shall be imposed in accordance with Section 6-106.1b of
25 this Code. A person requested to submit to a test under this
26 Section shall also acknowledge, in writing, receipt of the

1 warning required under this subsection (c). If the person
2 refuses to acknowledge receipt of the warning, the law
3 enforcement officer shall make a written notation on the
4 warning that the person refused to sign the warning. A
5 person's refusal to sign the warning shall not be evidence
6 that the person was not read the warning.

7 (d) If the person refuses testing or submits to a test that
8 discloses an alcohol concentration of more than 0.00, the law
9 enforcement officer shall immediately submit a sworn report to
10 the Secretary of State on a form prescribed by the Secretary of
11 State certifying that the test or tests were requested under
12 subsection (a) and the person refused to submit to a test or
13 tests or submitted to testing which disclosed an alcohol
14 concentration of more than 0.00. The law enforcement officer
15 shall submit the same sworn report when a person who has been
16 issued a school bus driver permit and who was operating a
17 school bus or any other vehicle owned or operated by or for a
18 public or private school, or a school operated by a religious
19 institution, when the vehicle is being used over a regularly
20 scheduled route for the transportation of persons enrolled as
21 students in grade 12 or below, in connection with any activity
22 of the entities listed, submits to testing under Section
23 11-501.1 of this Code and the testing discloses an alcohol
24 concentration of more than 0.00 and less than the alcohol
25 concentration at which driving or being in actual physical
26 control of a motor vehicle is prohibited under paragraph (1)

1 of subsection (a) of Section 11-501.

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary of State shall enter the school bus
4 driver permit sanction on the individual's driving record and
5 the sanction shall be effective on the 46th day following the
6 date notice of the sanction was given to the person.

7 The law enforcement officer submitting the sworn report
8 shall serve immediate notice of this school bus driver permit
9 sanction on the person and the sanction shall be effective on
10 the 46th day following the date notice was given.

11 In cases where the blood alcohol concentration of more
12 than 0.00 is established by a subsequent analysis of blood,
13 other bodily substance, or urine, the police officer or
14 arresting agency shall give notice as provided in this Section
15 or by deposit in the United States mail of that notice in an
16 envelope with postage prepaid and addressed to that person at
17 his or her last known address and the loss of the school bus
18 driver permit shall be effective on the 46th day following the
19 date notice was given.

20 Upon receipt of the sworn report of a law enforcement
21 officer, the Secretary of State shall also give notice of the
22 school bus driver permit sanction to the driver and the
23 driver's current employer by mailing a notice of the effective
24 date of the sanction to the individual. However, shall the
25 sworn report be defective by not containing sufficient
26 information or be completed in error, the notice of the school

1 bus driver permit sanction may not be mailed to the person or
2 his current employer or entered to the driving record, but
3 rather the sworn report shall be returned to the issuing law
4 enforcement agency.

5 (e) A driver may contest this school bus driver permit
6 sanction by requesting an administrative hearing with the
7 Secretary of State in accordance with Section 2-118 of this
8 Code. An individual whose blood alcohol concentration is shown
9 to be more than 0.00 is not subject to this Section if he or
10 she consumed alcohol in the performance of a religious service
11 or ceremony. An individual whose blood alcohol concentration
12 is shown to be more than 0.00 shall not be subject to this
13 Section if the individual's blood alcohol concentration
14 resulted only from ingestion of the prescribed or recommended
15 dosage of medicine that contained alcohol. The petition for
16 that hearing shall not stay or delay the effective date of the
17 impending suspension. The scope of this hearing shall be
18 limited to the issues of:

19 (1) whether the police officer had probable cause to
20 believe that the person was driving or in actual physical
21 control of a school bus or any other vehicle owned or
22 operated by or for a public or private school, or a school
23 operated by a religious institution, when the vehicle is
24 being used over a regularly scheduled route for the
25 transportation of persons enrolled as students in grade 12
26 or below, in connection with any activity of the entities

1 listed, upon the public highways of the State and the
2 police officer had reason to believe that the person was
3 in violation of any provision of this Code or a similar
4 provision of a local ordinance; and

5 (2) whether the person was issued a Uniform Traffic
6 Ticket for any violation of this Code or a similar
7 provision of a local ordinance; and

8 (3) whether the police officer had probable cause to
9 believe that the driver had consumed any amount of an
10 alcoholic beverage based upon the driver's physical
11 actions or other first-hand knowledge of the police
12 officer; and

13 (4) whether the person, after being advised by the
14 officer that the privilege to possess a school bus driver
15 permit would be canceled if the person refused to submit
16 to and complete the test or tests, did refuse to submit to
17 or complete the test or tests to determine the person's
18 alcohol concentration; and

19 (5) whether the person, after being advised by the
20 officer that the privileges to possess a school bus driver
21 permit would be canceled if the person submits to a
22 chemical test or tests and the test or tests disclose an
23 alcohol concentration of more than 0.00 and the person did
24 submit to and complete the test or tests that determined
25 an alcohol concentration of more than 0.00; and

26 (6) whether the test result of an alcohol

1 concentration of more than 0.00 was based upon the
2 person's consumption of alcohol in the performance of a
3 religious service or ceremony; and

4 (7) whether the test result of an alcohol
5 concentration of more than 0.00 was based upon the
6 person's consumption of alcohol through ingestion of the
7 prescribed or recommended dosage of medicine.

8 The Secretary of State may adopt administrative rules
9 setting forth circumstances under which the holder of a school
10 bus driver permit is not required to appear in person at the
11 hearing.

12 Provided that the petitioner may subpoena the officer, the
13 hearing may be conducted upon a review of the law enforcement
14 officer's own official reports. Failure of the officer to
15 answer the subpoena shall be grounds for a continuance if, in
16 the hearing officer's discretion, the continuance is
17 appropriate. At the conclusion of the hearing held under
18 Section 2-118 of this Code, the Secretary of State may
19 rescind, continue, or modify the school bus driver permit
20 sanction.

21 (f) The results of any chemical testing performed in
22 accordance with subsection (a) of this Section are not
23 admissible in any civil or criminal proceeding, except that
24 the results of the testing may be considered at a hearing held
25 under Section 2-118 of this Code. However, the results of the
26 testing may not be used to impose driver's license sanctions

1 under Section 11-501.1 of this Code. A law enforcement officer
2 may, however, pursue a statutory summary suspension or
3 revocation of driving privileges under Section 11-501.1 of
4 this Code if other physical evidence or first hand knowledge
5 forms the basis of that suspension or revocation.

6 (g) This Section applies only to drivers who have been
7 issued a school bus driver permit in accordance with Section
8 6-106.1 of this Code at the time of the issuance of the Uniform
9 Traffic Ticket for a violation of this Code or a similar
10 provision of a local ordinance, and a chemical test request is
11 made under this Section.

12 (h) The action of the Secretary of State in suspending,
13 revoking, canceling, or denying any license, permit,
14 registration, or certificate of title shall be subject to
15 judicial review in the Circuit Court of Sangamon County or in
16 the Circuit Court of Cook County, and the provisions of the
17 Administrative Review Law and its rules are hereby adopted and
18 shall apply to and govern every action for the judicial review
19 of final acts or decisions of the Secretary of State under this
20 Section.

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 (625 ILCS 5/6-106.2) (from Ch. 95 1/2, par. 6-106.2)

23 Sec. 6-106.2. Religious organization bus driver. A
24 religious organization bus driver shall meet the following
25 requirements:

- 1 1. is 21 years of age or older;
- 2 2. has a valid and properly classified driver's
- 3 license issued by the Secretary of State;
- 4 3. has held a valid driver's license, not necessarily
- 5 of the same classification, for 3 years prior to the date
- 6 of application. A lapse in the renewal of the driver's
- 7 license of 30 days or less shall not render the applicant
- 8 ineligible. The Secretary of State may, in his or her
- 9 discretion, grant a waiver for a lapse in the renewal of
- 10 the driver's license in excess of 30 days;
- 11 4. has demonstrated an ability to exercise reasonable
- 12 care in the safe operation of religious organization buses
- 13 in accordance with such standards as the Secretary of
- 14 State prescribes including a driving test in a religious
- 15 organization bus; and
- 16 5. has not been convicted of any of the following
- 17 offenses within 3 years of the date of application:
- 18 Sections 11-401 (leaving the scene of a traffic crash
- 19 ~~accident~~ involving death or personal injury), 11-501
- 20 (driving under the influence), 11-503 (reckless driving),
- 21 11-504 (drag racing), and 11-506 (street racing) of this
- 22 Code, or Sections 9-3 (manslaughter or reckless homicide)
- 23 and 12-5 (reckless conduct arising from the use of a motor
- 24 vehicle) of the Criminal Code of 1961 or the Criminal Code
- 25 of 2012.

26 (Source: P.A. 97-1150, eff. 1-25-13; 98-884, eff. 1-1-15.)

1 (625 ILCS 5/6-106.3) (from Ch. 95 1/2, par. 6-106.3)

2 Sec. 6-106.3. Senior citizen transportation - driver. A
3 driver of a vehicle operated solely for the purpose of
4 providing transportation for the elderly in connection with
5 the activities of any public or private organization shall
6 meet the following requirements:

7 (1) is 21 years of age or older;

8 (2) has a valid and properly classified driver's
9 license issued by the Secretary of State;

10 (3) has had a valid driver's license, not necessarily
11 of the same classification, for 3 years prior to the date
12 of application. A lapse in the renewal of the driver's
13 license of 30 days or less shall not render the applicant
14 ineligible. The Secretary of State may, in his or her
15 discretion, grant a waiver for a lapse in the renewal of
16 the driver's license in excess of 30 days;

17 (4) has demonstrated his ability to exercise
18 reasonable care in the safe operation of a motor vehicle
19 which will be utilized to transport persons in accordance
20 with such standards as the Secretary of State prescribes
21 including a driving test in such motor vehicle; and

22 (5) has not been convicted of any of the following
23 offenses within 3 years of the date of application:
24 Sections 11-401 (leaving the scene of a traffic crash
25 ~~accident~~ involving death or personal injury), 11-501

1 (driving under the influence), 11-503 (reckless driving),
2 11-504 (drag racing), and 11-506 (street racing) of this
3 Code, or Sections 9-3 (manslaughter or reckless homicide)
4 and 12-5 (reckless conduct arising from the use of a motor
5 vehicle) of the Criminal Code of 1961 or the Criminal Code
6 of 2012.

7 (Source: P.A. 97-1150, eff. 1-25-13; 98-884, eff. 1-1-15.)

8 (625 ILCS 5/6-106.4) (from Ch. 95 1/2, par. 6-106.4)

9 Sec. 6-106.4. For-profit ridesharing arrangement - driver.
10 No person may drive a commuter van while it is being used for a
11 for-profit ridesharing arrangement unless such person:

12 (1) is 21 years of age or older;

13 (2) has a valid and properly classified driver's
14 license issued by the Secretary of State;

15 (3) has held a valid driver's license, not necessarily
16 of the same classification, for 3 years prior to the date
17 of application. A lapse in the renewal of the driver's
18 license of 30 days or less shall not render the applicant
19 ineligible. The Secretary of State may, in his or her
20 discretion, grant a waiver for a lapse in the renewal of
21 the driver's license in excess of 30 days;

22 (4) has demonstrated his ability to exercise
23 reasonable care in the safe operation of commuter vans
24 used in for-profit ridesharing arrangements in accordance
25 with such standards as the Secretary of State may

1 prescribe, which standards may require a driving test in a
2 commuter van; and

3 (5) has not been convicted of any of the following
4 offenses within 3 years of the date of application:
5 Sections 11-401 (leaving the scene of a traffic crash
6 ~~accident~~ involving death or personal injury), 11-501
7 (driving under the influence), 11-503 (reckless driving),
8 11-504 (drag racing), and 11-506 (street racing) of this
9 Code, or Sections 9-3 (manslaughter or reckless homicide)
10 and 12-5 (reckless conduct arising from the use of a motor
11 vehicle) of the Criminal Code of 1961 or the Criminal Code
12 of 2012.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-884, eff. 1-1-15.)

14 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

15 Sec. 6-107. Graduated license.

16 (a) The purpose of the Graduated Licensing Program is to
17 develop safe and mature driving habits in young, inexperienced
18 drivers and reduce or prevent motor vehicle crashes ~~accidents~~,
19 fatalities, and injuries by:

20 (1) providing for an increase in the time of practice
21 period before granting permission to obtain a driver's
22 license;

23 (2) strengthening driver licensing and testing
24 standards for persons under the age of 21 years;

25 (3) sanctioning driving privileges of drivers under

1 age 21 who have committed serious traffic violations or
2 other specified offenses; and

3 (4) setting stricter standards to promote the public's
4 health and safety.

5 (b) The application of any person under the age of 18
6 years, and not legally emancipated, for a drivers license or
7 permit to operate a motor vehicle issued under the laws of this
8 State, shall be accompanied by the written consent of either
9 parent of the applicant; otherwise by the guardian having
10 custody of the applicant, or in the event there is no parent or
11 guardian, then by another responsible adult. The written
12 consent must accompany any application for a driver's license
13 under this subsection (b), regardless of whether or not the
14 required written consent also accompanied the person's
15 previous application for an instruction permit.

16 No graduated driver's license shall be issued to any
17 applicant under 18 years of age, unless the applicant is at
18 least 16 years of age and has:

19 (1) Held a valid instruction permit for a minimum of 9
20 months.

21 (2) Passed an approved driver education course and
22 submits proof of having passed the course as may be
23 required.

24 (3) Certification by the parent, legal guardian, or
25 responsible adult that the applicant has had a minimum of
26 50 hours of behind-the-wheel practice time, at least 10

1 hours of which have been at night, and is sufficiently
2 prepared and able to safely operate a motor vehicle.

3 (b-1) No graduated driver's license shall be issued to any
4 applicant who is under 18 years of age and not legally
5 emancipated, unless the applicant has graduated from a
6 secondary school of this State or any other state, is enrolled
7 in a course leading to a high school equivalency certificate,
8 has obtained a high school equivalency certificate, is
9 enrolled in an elementary or secondary school or college or
10 university of this State or any other state and is not a
11 chronic or habitual truant as provided in Section 26-2a of the
12 School Code, or is receiving home instruction and submits
13 proof of meeting any of those requirements at the time of
14 application.

15 An applicant under 18 years of age who provides proof
16 acceptable to the Secretary that the applicant has resumed
17 regular school attendance or home instruction or that his or
18 her application was denied in error shall be eligible to
19 receive a graduated license if other requirements are met. The
20 Secretary shall adopt rules for implementing this subsection
21 (b-1).

22 (c) No graduated driver's license or permit shall be
23 issued to any applicant under 18 years of age who has committed
24 the offense of operating a motor vehicle without a valid
25 license or permit in violation of Section 6-101 of this Code or
26 a similar out of state offense and no graduated driver's

1 license or permit shall be issued to any applicant under 18
2 years of age who has committed an offense that would otherwise
3 result in a mandatory revocation of a license or permit as
4 provided in Section 6-205 of this Code or who has been either
5 convicted of or adjudicated a delinquent based upon a
6 violation of the Cannabis Control Act, the Illinois Controlled
7 Substances Act, the Use of Intoxicating Compounds Act, or the
8 Methamphetamine Control and Community Protection Act while
9 that individual was in actual physical control of a motor
10 vehicle. For purposes of this Section, any person placed on
11 probation under Section 10 of the Cannabis Control Act,
12 Section 410 of the Illinois Controlled Substances Act, or
13 Section 70 of the Methamphetamine Control and Community
14 Protection Act shall not be considered convicted. Any person
15 found guilty of this offense, while in actual physical control
16 of a motor vehicle, shall have an entry made in the court
17 record by the judge that this offense did occur while the
18 person was in actual physical control of a motor vehicle and
19 order the clerk of the court to report the violation to the
20 Secretary of State as such.

21 (d) No graduated driver's license shall be issued for 9
22 months to any applicant under the age of 18 years who has
23 committed and subsequently been convicted of an offense
24 against traffic regulations governing the movement of
25 vehicles, any violation of this Section or Section 12-603.1 of
26 this Code, or who has received a disposition of court

1 supervision for a violation of Section 6-20 of the Illinois
2 Liquor Control Act of 1934 or a similar provision of a local
3 ordinance.

4 (e) No graduated driver's license holder under the age of
5 18 years shall operate any motor vehicle, except a motor
6 driven cycle or motorcycle, with more than one passenger in
7 the front seat of the motor vehicle and no more passengers in
8 the back seats than the number of available seat safety belts
9 as set forth in Section 12-603 of this Code. If a graduated
10 driver's license holder over the age of 18 committed an
11 offense against traffic regulations governing the movement of
12 vehicles or any violation of this Section or Section 12-603.1
13 of this Code in the 6 months prior to the graduated driver's
14 license holder's 18th birthday, and was subsequently convicted
15 of the violation, the provisions of this paragraph shall
16 continue to apply until such time as a period of 6 consecutive
17 months has elapsed without an additional violation and
18 subsequent conviction of an offense against traffic
19 regulations governing the movement of vehicles or any
20 violation of this Section or Section 12-603.1 of this Code.

21 (f) (Blank).

22 (g) If a graduated driver's license holder is under the
23 age of 18 when he or she receives the license, for the first 12
24 months he or she holds the license or until he or she reaches
25 the age of 18, whichever occurs sooner, the graduated license
26 holder may not operate a motor vehicle with more than one

1 passenger in the vehicle who is under the age of 20, unless any
2 additional passenger or passengers are siblings,
3 step-siblings, children, or stepchildren of the driver. If a
4 graduated driver's license holder committed an offense against
5 traffic regulations governing the movement of vehicles or any
6 violation of this Section or Section 12-603.1 of this Code
7 during the first 12 months the license is held and
8 subsequently is convicted of the violation, the provisions of
9 this paragraph shall remain in effect until such time as a
10 period of 6 consecutive months has elapsed without an
11 additional violation and subsequent conviction of an offense
12 against traffic regulations governing the movement of vehicles
13 or any violation of this Section or Section 12-603.1 of this
14 Code.

15 (h) It shall be an offense for a person that is age 15, but
16 under age 20, to be a passenger in a vehicle operated by a
17 driver holding a graduated driver's license during the first
18 12 months the driver holds the license or until the driver
19 reaches the age of 18, whichever occurs sooner, if another
20 passenger under the age of 20 is present, excluding a sibling,
21 step-sibling, child, or step-child of the driver.

22 (i) No graduated driver's license shall be issued to any
23 applicant under the age of 18 years if the applicant has been
24 issued a traffic citation for which a disposition has not been
25 rendered at the time of application.

26 (Source: P.A. 97-229, eff. 7-28-11; 97-835, eff. 7-20-12;

1 98-168, eff. 1-1-14; 98-718, eff. 1-1-15.)

2 (625 ILCS 5/6-107.5)

3 Sec. 6-107.5. Adult Driver Education Course.

4 (a) The Secretary shall establish by rule the curriculum
5 and designate the materials to be used in an adult driver
6 education course. The course shall be at least 6 hours in
7 length and shall include instruction on traffic laws; highway
8 signs, signals, and markings that regulate, warn, or direct
9 traffic; issues commonly associated with motor vehicle crashes
10 ~~accidents~~ including poor decision-making, risk taking,
11 impaired driving, distraction, speed, failure to use a safety
12 belt, driving at night, failure to yield the right-of-way,
13 texting while driving, using wireless communication devices,
14 and alcohol and drug awareness; and instruction on law
15 enforcement procedures during traffic stops, including actions
16 that a motorist should take during a traffic stop and
17 appropriate interactions with law enforcement officers. The
18 curriculum shall not require the operation of a motor vehicle.

19 (b) The Secretary shall certify course providers. The
20 requirements to be a certified course provider, the process
21 for applying for certification, and the procedure for
22 decertifying a course provider shall be established by rule.

23 (b-5) In order to qualify for certification as an adult
24 driver education course provider, each applicant must
25 authorize an investigation that includes a fingerprint-based

1 background check to determine if the applicant has ever been
2 convicted of a criminal offense and, if so, the disposition of
3 any conviction. This authorization shall indicate the scope of
4 the inquiry and the agencies that may be contacted. Upon
5 receiving this authorization, the Secretary of State may
6 request and receive information and assistance from any
7 federal, State, or local governmental agency as part of the
8 authorized investigation. Each applicant shall submit his or
9 her fingerprints to the Illinois State Police in the form and
10 manner prescribed by the Illinois State Police. These
11 fingerprints shall be checked against fingerprint records now
12 and hereafter filed in the Illinois State Police and Federal
13 Bureau of Investigation criminal history record databases. The
14 Illinois State Police shall charge applicants a fee for
15 conducting the criminal history record check, which shall be
16 deposited into the State Police Services Fund and shall not
17 exceed the actual cost of the State and national criminal
18 history record check. The Illinois State Police shall furnish,
19 pursuant to positive identification, records of Illinois
20 criminal convictions to the Secretary and shall forward the
21 national criminal history record information to the Secretary.
22 Applicants shall pay any other fingerprint-related fees.
23 Unless otherwise prohibited by law, the information derived
24 from the investigation, including the source of the
25 information and any conclusions or recommendations derived
26 from the information by the Secretary of State, shall be

1 provided to the applicant upon request to the Secretary of
2 State prior to any final action by the Secretary of State on
3 the application. Any criminal conviction information obtained
4 by the Secretary of State shall be confidential and may not be
5 transmitted outside the Office of the Secretary of State,
6 except as required by this subsection (b-5), and may not be
7 transmitted to anyone within the Office of the Secretary of
8 State except as needed for the purpose of evaluating the
9 applicant. At any administrative hearing held under Section
10 2-118 of this Code relating to the denial, cancellation,
11 suspension, or revocation of certification of an adult driver
12 education course provider, the Secretary of State may utilize
13 at that hearing any criminal history, criminal conviction, and
14 disposition information obtained under this subsection (b-5).
15 The information obtained from the investigation may be
16 maintained by the Secretary of State or any agency to which the
17 information was transmitted. Only information and standards
18 which bear a reasonable and rational relation to the
19 performance of providing adult driver education shall be used
20 by the Secretary of State. Any employee of the Secretary of
21 State who gives or causes to be given away any confidential
22 information concerning any criminal convictions or disposition
23 of criminal convictions of an applicant shall be guilty of a
24 Class A misdemeanor unless release of the information is
25 authorized by this Section.

26 (c) The Secretary may permit a course provider to offer

1 the course online, if the Secretary is satisfied the course
2 provider has established adequate procedures for verifying:

3 (1) the identity of the person taking the course
4 online; and

5 (2) the person completes the entire course.

6 (d) The Secretary shall establish a method of electronic
7 verification of a student's successful completion of the
8 course.

9 (e) The fee charged by the course provider must bear a
10 reasonable relationship to the cost of the course. The
11 Secretary shall post on the Secretary of State's website a
12 list of approved course providers, the fees charged by the
13 providers, and contact information for each provider.

14 (f) In addition to any other fee charged by the course
15 provider, the course provider shall collect a fee of \$5 from
16 each student to offset the costs incurred by the Secretary in
17 administering this program. The \$5 shall be submitted to the
18 Secretary within 14 days of the day on which it was collected.
19 All such fees received by the Secretary shall be deposited in
20 the Secretary of State Driver Services Administration Fund.

21 (Source: P.A. 102-455, eff. 1-1-22; 102-538, eff. 8-20-21;
22 revised 10-12-21.)

23 (625 ILCS 5/6-108.1)

24 Sec. 6-108.1. Notice to Secretary; denial of license;
25 persons under 18.

1 (a) The State's Attorney must notify the Secretary of the
2 charges pending against any person younger than 18 years of
3 age who has been charged with a violation of this Code, the
4 Criminal Code of 2012, or the Criminal Code of 1961 arising out
5 of a crash ~~an accident~~ in which the person was involved as a
6 driver and that caused the death of or a type A injury to
7 another person. A "type A injury" includes severely bleeding
8 wounds, distorted extremities, and injuries that require the
9 injured party to be carried from the scene. The State's
10 Attorney must notify the Secretary on a form prescribed by the
11 Secretary.

12 (b) The Secretary, upon receiving notification from the
13 State's Attorney, may deny any driver's license to any person
14 younger than 18 years of age against whom the charges are
15 pending.

16 (c) The State's Attorney must notify the Secretary of the
17 final disposition of the case of any person who has been denied
18 a driver's license under subsection (b).

19 (d) The Secretary must adopt rules for implementing this
20 Section.

21 (Source: P.A. 97-1150, eff. 1-25-13.)

22 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

23 Sec. 6-113. Restricted licenses and permits.

24 (a) The Secretary of State upon issuing a drivers license
25 or permit shall have the authority whenever good cause appears

1 to impose restrictions suitable to the licensee's driving
2 ability with respect to the type of, or special mechanical
3 control devices required on, a motor vehicle which the
4 licensee may operate or such other restrictions applicable to
5 the licensee as the Secretary of State may determine to be
6 appropriate to assure the safe operation of a motor vehicle by
7 the licensee.

8 (b) The Secretary of State may either issue a special
9 restricted license or permit or may set forth such
10 restrictions upon the usual license or permit form.

11 (c) The Secretary of State may issue a probationary
12 license to a person whose driving privileges have been
13 suspended pursuant to subsection (d) of this Section or
14 subsection (a)(2) of Section 6-206 of this Code. This
15 subsection (c) does not apply to any driver required to
16 possess a CDL for the purpose of operating a commercial motor
17 vehicle. The Secretary of State shall promulgate rules
18 pursuant to the Illinois Administrative Procedure Act, setting
19 forth the conditions and criteria for the issuance and
20 cancellation of probationary licenses.

21 (d) The Secretary of State may upon receiving satisfactory
22 evidence of any violation of the restrictions of such license
23 or permit suspend, revoke or cancel the same without
24 preliminary hearing, but the licensee or permittee shall be
25 entitled to a hearing as in the case of a suspension or
26 revocation.

1 (e) It is unlawful for any person to operate a motor
2 vehicle in any manner in violation of the restrictions imposed
3 on a restricted license or permit issued to him.

4 (f) Whenever the holder of a restricted driving permit is
5 issued a citation for any of the following offenses including
6 similar local ordinances, the restricted driving permit is
7 immediately invalidated:

8 1. Reckless homicide resulting from the operation of a
9 motor vehicle;

10 2. Violation of Section 11-501 of this Act relating to
11 the operation of a motor vehicle while under the influence
12 of intoxicating liquor or narcotic drugs;

13 3. Violation of Section 11-401 of this Act relating to
14 the offense of leaving the scene of a traffic crash
15 ~~accident~~ involving death or injury;

16 4. Violation of Section 11-504 of this Act relating to
17 the offense of drag racing; or

18 5. Violation of Section 11-506 of this Act relating to
19 the offense of street racing.

20 The police officer issuing the citation shall confiscate
21 the restricted driving permit and forward it, along with the
22 citation, to the Clerk of the Circuit Court of the county in
23 which the citation was issued.

24 (g) The Secretary of State may issue a special restricted
25 license for a period of 48 months to individuals using vision
26 aid arrangements other than standard eyeglasses or contact

1 lenses, allowing the operation of a motor vehicle during
2 nighttime hours. The Secretary of State shall adopt rules
3 defining the terms and conditions by which the individual may
4 obtain and renew this special restricted license. At a
5 minimum, all drivers must meet the following requirements:

6 1. Possess a valid driver's license and have operated
7 a motor vehicle during daylight hours for a period of 12
8 months using vision aid arrangements other than standard
9 eyeglasses or contact lenses.

10 2. Have a driving record that does not include any
11 traffic crashes ~~accidents~~ that occurred during nighttime
12 hours, for which the driver has been found to be at fault,
13 during the 12 months before he or she applied for the
14 special restricted license.

15 3. Successfully complete a road test administered
16 during nighttime hours.

17 The special restricted license holder must submit to the
18 Secretary annually a vision specialist report from his or her
19 ophthalmologist or optometrist that the special restricted
20 license holder's vision has not changed. If the special
21 restricted license holder fails to submit this vision
22 specialist report, the special restricted license shall be
23 cancelled under Section 6-201 of this Code.

24 At a minimum, all drivers renewing this license must meet
25 the following requirements:

26 1. Successfully complete a road test administered

1 during nighttime hours.

2 2. Have a driving record that does not include any
3 traffic crashes ~~accidents~~ that occurred during nighttime
4 hours, for which the driver has been found to be at fault,
5 during the 12 months before he or she applied for the
6 special restricted license.

7 (h) Any driver issued a special restricted license as
8 defined in subsection (g) whose privilege to drive during
9 nighttime hours has been suspended due to a crash ~~an accident~~
10 occurring during nighttime hours may request a hearing as
11 provided in Section 2-118 of this Code to contest that
12 suspension. If it is determined that the crash ~~accident~~ for
13 which the driver was at fault was not influenced by the
14 driver's use of vision aid arrangements other than standard
15 eyeglasses or contact lenses, the Secretary may reinstate that
16 driver's privilege to drive during nighttime hours.

17 (i) The Secretary of State may issue a special restricted
18 training permit for a period of 6 months to individuals using
19 vision aid arrangements other than standard eyeglasses or
20 contact lenses, allowing the operation of a motor vehicle
21 between sunset and 10:00 p.m. provided the driver is
22 accompanied by a person holding a valid driver's license
23 without nighttime operation restrictions. The Secretary may
24 adopt rules defining the terms and conditions by which the
25 individual may obtain and renew this special restricted
26 training permit. At a minimum, all persons applying for a

1 special restricted training permit must meet the following
2 requirements:

3 1. Possess a valid driver's license and have operated
4 a motor vehicle during daylight hours for a period of 6
5 months using vision aid arrangements other than standard
6 eyeglasses or contact lenses.

7 2. Have a driving record that does not include any
8 traffic crashes ~~accidents~~, for which the person has been
9 found to be at fault, during the 6 months before he or she
10 applied for the special restricted training permit.

11 (j) Whenever the Secretary of State has issued an
12 administrative order requiring an individual to use an
13 ignition interlock device after his or her driver's license
14 has been reinstated, that individual shall be issued a
15 driver's license containing the ignition interlock device
16 restriction. The administrative order shall set forth the
17 duration of the restriction and any other applicable terms and
18 conditions.

19 (Source: P.A. 98-746, eff. 1-1-15; 98-747, eff. 1-1-15; 99-78,
20 eff. 7-20-15; 99-289, eff. 8-6-15.)

21 (625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)

22 Sec. 6-117. Records to be kept by the Secretary of State.

23 (a) The Secretary of State shall file every application
24 for a license or permit accepted under this Chapter, and shall
25 maintain suitable indexes thereof. The records of the

1 Secretary of State shall indicate the action taken with
2 respect to such applications.

3 (b) The Secretary of State shall maintain appropriate
4 records of all licenses and permits refused, cancelled,
5 disqualified, revoked, or suspended and of the revocation,
6 suspension, and disqualification of driving privileges of
7 persons not licensed under this Chapter, and such records
8 shall note the reasons for such action.

9 (c) The Secretary of State shall maintain appropriate
10 records of convictions reported under this Chapter. Records of
11 conviction may be maintained in a computer processible medium.

12 (d) The Secretary of State may also maintain appropriate
13 records of any crash ~~accident~~ reports received.

14 (e) The Secretary of State shall also maintain appropriate
15 records of any disposition of supervision or records relative
16 to a driver's referral to a driver remedial or rehabilitative
17 program, as required by the Secretary of State or the courts.
18 Such records shall only be available for use by the Secretary,
19 the driver licensing administrator of any other state, law
20 enforcement agencies, the courts, and the affected driver or,
21 upon proper verification, such affected driver's attorney.

22 (f) The Secretary of State shall also maintain or contract
23 to maintain appropriate records of all photographs and
24 signatures obtained in the process of issuing any driver's
25 license, permit, or identification card. The record shall be
26 confidential and shall not be disclosed except to those

1 entities listed under Section 6-110.1 of this Code.

2 (g) The Secretary of State may establish a First Person
3 Consent organ and tissue donor registry in compliance with
4 subsection (b-1) of Section 5-20 of the Illinois Anatomical
5 Gift Act, as follows:

6 (1) The Secretary shall offer, to each applicant for
7 issuance or renewal of a driver's license or
8 identification card who is 16 years of age or older, the
9 opportunity to have his or her name included in the First
10 Person Consent organ and tissue donor registry. The
11 Secretary must advise the applicant or licensee that he or
12 she is under no compulsion to have his or her name included
13 in the registry. An individual who agrees to having his or
14 her name included in the First Person Consent organ and
15 tissue donor registry has given full legal consent to the
16 donation of any of his or her organs or tissue upon his or
17 her death. A brochure explaining this method of executing
18 an anatomical gift must be given to each applicant for
19 issuance or renewal of a driver's license or
20 identification card. The brochure must advise the
21 applicant or licensee (i) that he or she is under no
22 compulsion to have his or her name included in this
23 registry and (ii) that he or she may wish to consult with
24 family, friends, or clergy before doing so.

25 (2) The Secretary of State may establish additional
26 methods by which an individual may have his or her name

1 included in the First Person Consent organ and tissue
2 donor registry.

3 (3) When an individual has agreed to have his or her
4 name included in the First Person Consent organ and tissue
5 donor registry, the Secretary of State shall note that
6 agreement in the First Person consent organ and tissue
7 donor registry. Representatives of federally designated
8 organ procurement agencies and tissue banks and the
9 offices of Illinois county coroners and medical examiners
10 may inquire of the Secretary of State whether a potential
11 organ donor's name is included in the First Person Consent
12 organ and tissue donor registry, and the Secretary of
13 State may provide that information to the representative.

14 (4) An individual may withdraw his or her consent to
15 be listed in the First Person Consent organ and tissue
16 donor registry maintained by the Secretary of State by
17 notifying the Secretary of State in writing, or by any
18 other means approved by the Secretary, of the individual's
19 decision to have his or her name removed from the
20 registry.

21 (5) The Secretary of State may undertake additional
22 efforts, including education and awareness activities, to
23 promote organ and tissue donation.

24 (6) In the absence of gross negligence or willful
25 misconduct, the Secretary of State and his or her
26 employees are immune from any civil or criminal liability

1 in connection with an individual's consent to be listed in
2 the organ and tissue donor registry.

3 (Source: P.A. 100-41, eff. 1-1-18.)

4 (625 ILCS 5/6-117.2)

5 Sec. 6-117.2. Emergency contact database.

6 (a) The Secretary of State shall establish a database of
7 the emergency contacts of persons who hold a driver's license,
8 instruction permit, or any other type of driving permit issued
9 by the Secretary of State. Information in the database shall
10 be accessible only to employees of the Office of the Secretary
11 and law enforcement officers employed by a law enforcement
12 agency. Law enforcement officers may share information
13 contained in the emergency contact database, including
14 disabilities and special needs information, with other public
15 safety workers on scene, as needed to conduct official law
16 enforcement duties.

17 (b) Any person holding a driver's license, instruction
18 permit, or any other type of driving permit issued by the
19 Secretary of State shall be afforded the opportunity to
20 provide the Secretary of State, in a manner and form
21 designated by the Secretary of State, the name, address,
22 telephone number, and relationship to the holder of no more
23 than 2 emergency contact persons whom the holder wishes to be
24 contacted by a law enforcement officer if the holder is
25 involved in a motor vehicle crash ~~accident~~ or other emergency

1 situation and the holder is unable to communicate with the
2 contact person or persons and may designate whether the holder
3 has a disability or is a special needs individual. A contact
4 person need not be the holder's next of kin.

5 (c) The Secretary shall adopt rules to implement this
6 Section. At a minimum, the rules shall address all of the
7 following:

8 (1) the method whereby a holder may provide the
9 Secretary of State with emergency contact, disability, and
10 special needs information;

11 (2) the method whereby a holder may provide the
12 Secretary of State with a change to the emergency contact,
13 disability, and special needs information; and

14 (3) any other aspect of the database or its operation
15 that the Secretary determines is necessary to implement
16 this Section.

17 (d) If a person involved in a motor vehicle crash ~~accident~~
18 or other emergency situation is unable to communicate with the
19 contact person or persons specified in the database, a law
20 enforcement officer shall make a good faith effort to notify
21 the contact person or persons of the situation. Neither the
22 law enforcement officer nor the law enforcement agency that
23 employs that law enforcement officer incurs any liability,
24 however, if the law enforcement officer is not able to make
25 contact with the contact person. Except for willful or wanton
26 misconduct, neither the law enforcement officer, nor the law

1 enforcement agency that employs the law enforcement officer,
2 shall incur any liability relating to the reporting or use of
3 the database during a motor vehicle crash ~~accident~~ or other
4 emergency situation.

5 (e) The Secretary of State shall make a good faith effort
6 to maintain accurate data as provided by the driver's license
7 or instruction permit holder and to provide that information
8 to law enforcement as provided in subsection (a). The
9 Secretary of State is not liable for any damages, costs, or
10 expenses, including, without limitation, consequential
11 damages, arising or resulting from any inaccurate or
12 incomplete data or system unavailability. Except for willful
13 or wanton misconduct, the Secretary of State shall not incur
14 any liability relating to the reporting of disabilities or
15 special needs individuals.

16 (f) As used in this Section:

17 "Disability" means an individual's physical or mental
18 impairment that substantially limits one or more of the major
19 life activities; a record of such impairment; or when the
20 individual is regarded as having such impairment.

21 "Public safety worker" means a person employed by this
22 State or a political subdivision thereof that provides
23 firefighting, law enforcement, medical or other emergency
24 services.

25 "Special needs individuals" means those individuals who
26 have or are at increased risk for a chronic physical,

1 developmental, behavioral, or emotional condition and who also
2 require health and related services of a type or amount beyond
3 that required by individuals generally.

4 (Source: P.A. 95-898, eff. 7-1-09; 96-1168, eff. 1-1-11.)

5 (625 ILCS 5/6-201)

6 Sec. 6-201. Authority to cancel licenses and permits.

7 (a) The Secretary of State is authorized to cancel any
8 license or permit upon determining that the holder thereof:

9 1. was not entitled to the issuance thereof hereunder;

10 or

11 2. failed to give the required or correct information
12 in his application; or

13 3. failed to pay any fees owed to the Secretary of
14 State under this Code for the license or permit; or

15 4. committed any fraud in the making of such
16 application; or

17 5. is ineligible therefor under the provisions of
18 Section 6-103 of this Act, as amended; or

19 6. has refused or neglected to submit an alcohol,
20 drug, and intoxicating compound evaluation or to submit to
21 examination or re-examination as required under this Act;

22 or

23 7. has been convicted of violating the Cannabis
24 Control Act, the Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act, or

1 the Use of Intoxicating Compounds Act while that
2 individual was in actual physical control of a motor
3 vehicle. For purposes of this Section, any person placed
4 on probation under Section 10 of the Cannabis Control Act,
5 Section 410 of the Illinois Controlled Substances Act, or
6 Section 70 of the Methamphetamine Control and Community
7 Protection Act shall not be considered convicted. Any
8 person found guilty of this offense, while in actual
9 physical control of a motor vehicle, shall have an entry
10 made in the court record by the judge that this offense did
11 occur while the person was in actual physical control of a
12 motor vehicle and order the clerk of the court to report
13 the violation to the Secretary of State as such. After the
14 cancellation, the Secretary of State shall not issue a new
15 license or permit for a period of one year after the date
16 of cancellation. However, upon application, the Secretary
17 of State may, if satisfied that the person applying will
18 not endanger the public safety, or welfare, issue a
19 restricted driving permit granting the privilege of
20 driving a motor vehicle between the petitioner's residence
21 and petitioner's place of employment or within the scope
22 of the petitioner's employment related duties, or to allow
23 transportation for the petitioner or a household member of
24 the petitioner's family for the receipt of necessary
25 medical care, or provide transportation for the petitioner
26 to and from alcohol or drug remedial or rehabilitative

1 activity recommended by a licensed service provider, or
2 for the petitioner to attend classes, as a student, in an
3 accredited educational institution. The petitioner must
4 demonstrate that no alternative means of transportation is
5 reasonably available; provided that the Secretary's
6 discretion shall be limited to cases where undue hardship,
7 as defined by the rules of the Secretary of State, would
8 result from a failure to issue such restricted driving
9 permit. In each case the Secretary of State may issue such
10 restricted driving permit for such period as he deems
11 appropriate, except that such permit shall expire no later
12 than 2 years from the date of issuance. A restricted
13 driving permit issued hereunder shall be subject to
14 cancellation, revocation and suspension by the Secretary
15 of State in like manner and for like cause as a driver's
16 license issued hereunder may be cancelled, revoked or
17 suspended; except that a conviction upon one or more
18 offenses against laws or ordinances regulating the
19 movement of traffic shall be deemed sufficient cause for
20 the revocation, suspension or cancellation of a restricted
21 driving permit. The Secretary of State may, as a condition
22 to the issuance of a restricted driving permit, require
23 the applicant to participate in a driver remedial or
24 rehabilitative program. In accordance with 49 C.F.R. 384,
25 the Secretary of State may not issue a restricted driving
26 permit for the operation of a commercial motor vehicle to

1 a person holding a CDL whose driving privileges have been
2 revoked, suspended, cancelled, or disqualified under this
3 Code; or

4 8. failed to submit a report as required by Section
5 6-116.5 of this Code; or

6 9. has been convicted of a sex offense as defined in
7 the Sex Offender Registration Act. The driver's license
8 shall remain cancelled until the driver registers as a sex
9 offender as required by the Sex Offender Registration Act,
10 proof of the registration is furnished to the Secretary of
11 State and the sex offender provides proof of current
12 address to the Secretary; or

13 10. is ineligible for a license or permit under
14 Section 6-107, 6-107.1, or 6-108 of this Code; or

15 11. refused or neglected to appear at a Driver
16 Services facility to have the license or permit corrected
17 and a new license or permit issued or to present
18 documentation for verification of identity; or

19 12. failed to submit a medical examiner's certificate
20 or medical variance as required by 49 C.F.R. 383.71 or
21 submitted a fraudulent medical examiner's certificate or
22 medical variance; or

23 13. has had his or her medical examiner's certificate,
24 medical variance, or both removed or rescinded by the
25 Federal Motor Carrier Safety Administration; or

26 14. failed to self-certify as to the type of driving

1 in which the CDL driver engages or expects to engage; or

2 15. has submitted acceptable documentation indicating
3 out-of-state residency to the Secretary of State to be
4 released from the requirement of showing proof of
5 financial responsibility in this State; or

6 16. was convicted of fraud relating to the testing or
7 issuance of a CDL or CLP, in which case only the CDL or CLP
8 shall be cancelled. After cancellation, the Secretary
9 shall not issue a CLP or CDL for a period of one year from
10 the date of cancellation; or

11 17. has a special restricted license under subsection
12 (g) of Section 6-113 of this Code and failed to submit the
13 required annual vision specialist report that the special
14 restricted license holder's vision has not changed; or

15 18. has a special restricted license under subsection
16 (g) of Section 6-113 of this Code and was convicted or
17 received court supervision for a violation of this Code
18 that occurred during nighttime hours or was involved in a
19 motor vehicle crash ~~accident~~ during nighttime hours in
20 which the restricted license holder was at fault; or

21 19. has assisted an out-of-state resident in acquiring
22 an Illinois driver's license or identification card by
23 providing or allowing the out-of-state resident to use his
24 or her Illinois address of residence and is complicit in
25 distributing and forwarding the Illinois driver's license
26 or identification card to the out-of-state resident.

1 (b) Upon such cancellation the licensee or permittee must
2 surrender the license or permit so cancelled to the Secretary
3 of State.

4 (c) Except as provided in Sections 6-206.1 and 7-702.1,
5 the Secretary of State shall have exclusive authority to
6 grant, issue, deny, cancel, suspend and revoke driving
7 privileges, drivers' licenses and restricted driving permits.

8 (d) The Secretary of State may adopt rules to implement
9 this Section.

10 (Source: P.A. 100-409, eff. 8-25-17; 100-803, eff. 1-1-19;
11 101-623, eff. 7-1-20.)

12 (625 ILCS 5/6-205)

13 Sec. 6-205. Mandatory revocation of license or permit;
14 hardship cases.

15 (a) Except as provided in this Section, the Secretary of
16 State shall immediately revoke the license, permit, or driving
17 privileges of any driver upon receiving a report of the
18 driver's conviction of any of the following offenses:

19 1. Reckless homicide resulting from the operation of a
20 motor vehicle;

21 2. Violation of Section 11-501 of this Code or a
22 similar provision of a local ordinance relating to the
23 offense of operating or being in physical control of a
24 vehicle while under the influence of alcohol, other drug
25 or drugs, intoxicating compound or compounds, or any

1 combination thereof;

2 3. Any felony under the laws of any State or the
3 federal government in the commission of which a motor
4 vehicle was used;

5 4. Violation of Section 11-401 of this Code relating
6 to the offense of leaving the scene of a traffic crash
7 ~~accident~~ involving death or personal injury;

8 5. Perjury or the making of a false affidavit or
9 statement under oath to the Secretary of State under this
10 Code or under any other law relating to the ownership or
11 operation of motor vehicles;

12 6. Conviction upon 3 charges of violation of Section
13 11-503 of this Code relating to the offense of reckless
14 driving committed within a period of 12 months;

15 7. Conviction of any offense defined in Section 4-102
16 of this Code if the person exercised actual physical
17 control over the vehicle during the commission of the
18 offense;

19 8. Violation of Section 11-504 of this Code relating
20 to the offense of drag racing;

21 9. Violation of Chapters 8 and 9 of this Code;

22 10. Violation of Section 12-5 of the Criminal Code of
23 1961 or the Criminal Code of 2012 arising from the use of a
24 motor vehicle;

25 11. Violation of Section 11-204.1 of this Code
26 relating to aggravated fleeing or attempting to elude a

1 peace officer;

2 12. Violation of paragraph (1) of subsection (b) of
3 Section 6-507, or a similar law of any other state,
4 relating to the unlawful operation of a commercial motor
5 vehicle;

6 13. Violation of paragraph (a) of Section 11-502 of
7 this Code or a similar provision of a local ordinance if
8 the driver has been previously convicted of a violation of
9 that Section or a similar provision of a local ordinance
10 and the driver was less than 21 years of age at the time of
11 the offense;

12 14. Violation of paragraph (a) of Section 11-506 of
13 this Code or a similar provision of a local ordinance
14 relating to the offense of street racing;

15 15. A second or subsequent conviction of driving while
16 the person's driver's license, permit or privileges was
17 revoked for reckless homicide or a similar out-of-state
18 offense;

19 16. Any offense against any provision in this Code, or
20 any local ordinance, regulating the movement of traffic
21 when that offense was the proximate cause of the death of
22 any person. Any person whose driving privileges have been
23 revoked pursuant to this paragraph may seek to have the
24 revocation terminated or to have the length of revocation
25 reduced by requesting an administrative hearing with the
26 Secretary of State prior to the projected driver's license

1 application eligibility date;

2 17. Violation of subsection (a-2) of Section 11-1301.3
3 of this Code or a similar provision of a local ordinance;

4 18. A second or subsequent conviction of illegal
5 possession, while operating or in actual physical control,
6 as a driver, of a motor vehicle, of any controlled
7 substance prohibited under the Illinois Controlled
8 Substances Act, any cannabis prohibited under the Cannabis
9 Control Act, or any methamphetamine prohibited under the
10 Methamphetamine Control and Community Protection Act. A
11 defendant found guilty of this offense while operating a
12 motor vehicle shall have an entry made in the court record
13 by the presiding judge that this offense did occur while
14 the defendant was operating a motor vehicle and order the
15 clerk of the court to report the violation to the
16 Secretary of State;

17 19. Violation of subsection (a) of Section 11-1414 of
18 this Code, or a similar provision of a local ordinance,
19 relating to the offense of overtaking or passing of a
20 school bus when the driver, in committing the violation,
21 is involved in a motor vehicle crash ~~accident~~ that results
22 in death to another and the violation is a proximate cause
23 of the death.

24 (b) The Secretary of State shall also immediately revoke
25 the license or permit of any driver in the following
26 situations:

1 1. Of any minor upon receiving the notice provided for
2 in Section 5-901 of the Juvenile Court Act of 1987 that the
3 minor has been adjudicated under that Act as having
4 committed an offense relating to motor vehicles prescribed
5 in Section 4-103 of this Code;

6 2. Of any person when any other law of this State
7 requires either the revocation or suspension of a license
8 or permit;

9 3. Of any person adjudicated under the Juvenile Court
10 Act of 1987 based on an offense determined to have been
11 committed in furtherance of the criminal activities of an
12 organized gang as provided in Section 5-710 of that Act,
13 and that involved the operation or use of a motor vehicle
14 or the use of a driver's license or permit. The revocation
15 shall remain in effect for the period determined by the
16 court.

17 (c)(1) Whenever a person is convicted of any of the
18 offenses enumerated in this Section, the court may recommend
19 and the Secretary of State in his discretion, without regard
20 to whether the recommendation is made by the court may, upon
21 application, issue to the person a restricted driving permit
22 granting the privilege of driving a motor vehicle between the
23 petitioner's residence and petitioner's place of employment or
24 within the scope of the petitioner's employment related
25 duties, or to allow the petitioner to transport himself or
26 herself or a family member of the petitioner's household to a

1 medical facility for the receipt of necessary medical care or
2 to allow the petitioner to transport himself or herself to and
3 from alcohol or drug remedial or rehabilitative activity
4 recommended by a licensed service provider, or to allow the
5 petitioner to transport himself or herself or a family member
6 of the petitioner's household to classes, as a student, at an
7 accredited educational institution, or to allow the petitioner
8 to transport children, elderly persons, or persons with
9 disabilities who do not hold driving privileges and are living
10 in the petitioner's household to and from daycare; if the
11 petitioner is able to demonstrate that no alternative means of
12 transportation is reasonably available and that the petitioner
13 will not endanger the public safety or welfare; provided that
14 the Secretary's discretion shall be limited to cases where
15 undue hardship, as defined by the rules of the Secretary of
16 State, would result from a failure to issue the restricted
17 driving permit.

18 (1.5) A person subject to the provisions of paragraph 4 of
19 subsection (b) of Section 6-208 of this Code may make
20 application for a restricted driving permit at a hearing
21 conducted under Section 2-118 of this Code after the
22 expiration of 5 years from the effective date of the most
23 recent revocation, or after 5 years from the date of release
24 from a period of imprisonment resulting from a conviction of
25 the most recent offense, whichever is later, provided the
26 person, in addition to all other requirements of the

1 Secretary, shows by clear and convincing evidence:

2 (A) a minimum of 3 years of uninterrupted abstinence
3 from alcohol and the unlawful use or consumption of
4 cannabis under the Cannabis Control Act, a controlled
5 substance under the Illinois Controlled Substances Act, an
6 intoxicating compound under the Use of Intoxicating
7 Compounds Act, or methamphetamine under the
8 Methamphetamine Control and Community Protection Act; and

9 (B) the successful completion of any rehabilitative
10 treatment and involvement in any ongoing rehabilitative
11 activity that may be recommended by a properly licensed
12 service provider according to an assessment of the
13 person's alcohol or drug use under Section 11-501.01 of
14 this Code.

15 In determining whether an applicant is eligible for a
16 restricted driving permit under this paragraph (1.5), the
17 Secretary may consider any relevant evidence, including, but
18 not limited to, testimony, affidavits, records, and the
19 results of regular alcohol or drug tests. Persons subject to
20 the provisions of paragraph 4 of subsection (b) of Section
21 6-208 of this Code and who have been convicted of more than one
22 violation of paragraph (3), paragraph (4), or paragraph (5) of
23 subsection (a) of Section 11-501 of this Code shall not be
24 eligible to apply for a restricted driving permit.

25 A restricted driving permit issued under this paragraph
26 (1.5) shall provide that the holder may only operate motor

1 vehicles equipped with an ignition interlock device as
2 required under paragraph (2) of subsection (c) of this Section
3 and subparagraph (A) of paragraph 3 of subsection (c) of
4 Section 6-206 of this Code. The Secretary may revoke a
5 restricted driving permit or amend the conditions of a
6 restricted driving permit issued under this paragraph (1.5) if
7 the holder operates a vehicle that is not equipped with an
8 ignition interlock device, or for any other reason authorized
9 under this Code.

10 A restricted driving permit issued under this paragraph
11 (1.5) shall be revoked, and the holder barred from applying
12 for or being issued a restricted driving permit in the future,
13 if the holder is subsequently convicted of a violation of
14 Section 11-501 of this Code, a similar provision of a local
15 ordinance, or a similar offense in another state.

16 (2) If a person's license or permit is revoked or
17 suspended due to 2 or more convictions of violating Section
18 11-501 of this Code or a similar provision of a local ordinance
19 or a similar out-of-state offense, or Section 9-3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, where the
21 use of alcohol or other drugs is recited as an element of the
22 offense, or a similar out-of-state offense, or a combination
23 of these offenses, arising out of separate occurrences, that
24 person, if issued a restricted driving permit, may not operate
25 a vehicle unless it has been equipped with an ignition
26 interlock device as defined in Section 1-129.1.

1 (3) If:

2 (A) a person's license or permit is revoked or
3 suspended 2 or more times due to any combination of:

4 (i) a single conviction of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or
7 Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, where the use of alcohol or
9 other drugs is recited as an element of the offense, or
10 a similar out-of-state offense; or

11 (ii) a statutory summary suspension or revocation
12 under Section 11-501.1; or

13 (iii) a suspension pursuant to Section 6-203.1;
14 arising out of separate occurrences; or

15 (B) a person has been convicted of one violation of
16 subparagraph (C) or (F) of paragraph (1) of subsection (d)
17 of Section 11-501 of this Code, Section 9-3 of the
18 Criminal Code of 1961 or the Criminal Code of 2012,
19 relating to the offense of reckless homicide where the use
20 of alcohol or other drugs was recited as an element of the
21 offense, or a similar provision of a law of another state;
22 that person, if issued a restricted driving permit, may not
23 operate a vehicle unless it has been equipped with an ignition
24 interlock device as defined in Section 1-129.1.

25 (4) The person issued a permit conditioned on the use of an
26 ignition interlock device must pay to the Secretary of State

1 DUI Administration Fund an amount not to exceed \$30 per month.
2 The Secretary shall establish by rule the amount and the
3 procedures, terms, and conditions relating to these fees.

4 (5) If the restricted driving permit is issued for
5 employment purposes, then the prohibition against operating a
6 motor vehicle that is not equipped with an ignition interlock
7 device does not apply to the operation of an occupational
8 vehicle owned or leased by that person's employer when used
9 solely for employment purposes. For any person who, within a
10 5-year period, is convicted of a second or subsequent offense
11 under Section 11-501 of this Code, or a similar provision of a
12 local ordinance or similar out-of-state offense, this
13 employment exemption does not apply until either a one-year
14 period has elapsed during which that person had his or her
15 driving privileges revoked or a one-year period has elapsed
16 during which that person had a restricted driving permit which
17 required the use of an ignition interlock device on every
18 motor vehicle owned or operated by that person.

19 (6) In each case the Secretary of State may issue a
20 restricted driving permit for a period he deems appropriate,
21 except that the permit shall expire no later than 2 years from
22 the date of issuance. A restricted driving permit issued under
23 this Section shall be subject to cancellation, revocation, and
24 suspension by the Secretary of State in like manner and for
25 like cause as a driver's license issued under this Code may be
26 cancelled, revoked, or suspended; except that a conviction

1 upon one or more offenses against laws or ordinances
2 regulating the movement of traffic shall be deemed sufficient
3 cause for the revocation, suspension, or cancellation of a
4 restricted driving permit. The Secretary of State may, as a
5 condition to the issuance of a restricted driving permit,
6 require the petitioner to participate in a designated driver
7 remedial or rehabilitative program. The Secretary of State is
8 authorized to cancel a restricted driving permit if the permit
9 holder does not successfully complete the program. However, if
10 an individual's driving privileges have been revoked in
11 accordance with paragraph 13 of subsection (a) of this
12 Section, no restricted driving permit shall be issued until
13 the individual has served 6 months of the revocation period.

14 (c-5) (Blank).

15 (c-6) If a person is convicted of a second violation of
16 operating a motor vehicle while the person's driver's license,
17 permit or privilege was revoked, where the revocation was for
18 a violation of Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 relating to the offense of reckless
20 homicide or a similar out-of-state offense, the person's
21 driving privileges shall be revoked pursuant to subdivision
22 (a) (15) of this Section. The person may not make application
23 for a license or permit until the expiration of five years from
24 the effective date of the revocation or the expiration of five
25 years from the date of release from a term of imprisonment,
26 whichever is later.

1 (c-7) If a person is convicted of a third or subsequent
2 violation of operating a motor vehicle while the person's
3 driver's license, permit or privilege was revoked, where the
4 revocation was for a violation of Section 9-3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012 relating to the
6 offense of reckless homicide or a similar out-of-state
7 offense, the person may never apply for a license or permit.

8 (d) (1) Whenever a person under the age of 21 is convicted
9 under Section 11-501 of this Code or a similar provision of a
10 local ordinance or a similar out-of-state offense, the
11 Secretary of State shall revoke the driving privileges of that
12 person. One year after the date of revocation, and upon
13 application, the Secretary of State may, if satisfied that the
14 person applying will not endanger the public safety or
15 welfare, issue a restricted driving permit granting the
16 privilege of driving a motor vehicle only between the hours of
17 5 a.m. and 9 p.m. or as otherwise provided by this Section for
18 a period of one year. After this one-year period, and upon
19 reapplication for a license as provided in Section 6-106, upon
20 payment of the appropriate reinstatement fee provided under
21 paragraph (b) of Section 6-118, the Secretary of State, in his
22 discretion, may reinstate the petitioner's driver's license
23 and driving privileges, or extend the restricted driving
24 permit as many times as the Secretary of State deems
25 appropriate, by additional periods of not more than 24 months
26 each.

1 (2) If a person's license or permit is revoked or
2 suspended due to 2 or more convictions of violating
3 Section 11-501 of this Code or a similar provision of a
4 local ordinance or a similar out-of-state offense, or
5 Section 9-3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, where the use of alcohol or other drugs is
7 recited as an element of the offense, or a similar
8 out-of-state offense, or a combination of these offenses,
9 arising out of separate occurrences, that person, if
10 issued a restricted driving permit, may not operate a
11 vehicle unless it has been equipped with an ignition
12 interlock device as defined in Section 1-129.1.

13 (3) If a person's license or permit is revoked or
14 suspended 2 or more times due to any combination of:

15 (A) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a local
17 ordinance or a similar out-of-state offense, or
18 Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, where the use of alcohol or
20 other drugs is recited as an element of the offense, or
21 a similar out-of-state offense; or

22 (B) a statutory summary suspension or revocation
23 under Section 11-501.1; or

24 (C) a suspension pursuant to Section 6-203.1;
25 arising out of separate occurrences, that person, if
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1.

3 (3.5) If a person's license or permit is revoked or
4 suspended due to a conviction for a violation of
5 subparagraph (C) or (F) of paragraph (1) of subsection (d)
6 of Section 11-501 of this Code, or a similar provision of a
7 local ordinance or similar out-of-state offense, that
8 person, if issued a restricted driving permit, may not
9 operate a vehicle unless it has been equipped with an
10 ignition interlock device as defined in Section 1-129.1.

11 (4) The person issued a permit conditioned upon the
12 use of an interlock device must pay to the Secretary of
13 State DUI Administration Fund an amount not to exceed \$30
14 per month. The Secretary shall establish by rule the
15 amount and the procedures, terms, and conditions relating
16 to these fees.

17 (5) If the restricted driving permit is issued for
18 employment purposes, then the prohibition against driving
19 a vehicle that is not equipped with an ignition interlock
20 device does not apply to the operation of an occupational
21 vehicle owned or leased by that person's employer when
22 used solely for employment purposes. For any person who,
23 within a 5-year period, is convicted of a second or
24 subsequent offense under Section 11-501 of this Code, or a
25 similar provision of a local ordinance or similar
26 out-of-state offense, this employment exemption does not

1 apply until either a one-year period has elapsed during
2 which that person had his or her driving privileges
3 revoked or a one-year period has elapsed during which that
4 person had a restricted driving permit which required the
5 use of an ignition interlock device on every motor vehicle
6 owned or operated by that person.

7 (6) A restricted driving permit issued under this
8 Section shall be subject to cancellation, revocation, and
9 suspension by the Secretary of State in like manner and
10 for like cause as a driver's license issued under this
11 Code may be cancelled, revoked, or suspended; except that
12 a conviction upon one or more offenses against laws or
13 ordinances regulating the movement of traffic shall be
14 deemed sufficient cause for the revocation, suspension, or
15 cancellation of a restricted driving permit.

16 (d-5) The revocation of the license, permit, or driving
17 privileges of a person convicted of a third or subsequent
18 violation of Section 6-303 of this Code committed while his or
19 her driver's license, permit, or privilege was revoked because
20 of a violation of Section 9-3 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, relating to the offense of reckless
22 homicide, or a similar provision of a law of another state, is
23 permanent. The Secretary may not, at any time, issue a license
24 or permit to that person.

25 (e) This Section is subject to the provisions of the
26 Driver License Compact.

1 (f) Any revocation imposed upon any person under
2 subsections 2 and 3 of paragraph (b) that is in effect on
3 December 31, 1988 shall be converted to a suspension for a like
4 period of time.

5 (g) The Secretary of State shall not issue a restricted
6 driving permit to a person under the age of 16 years whose
7 driving privileges have been revoked under any provisions of
8 this Code.

9 (h) The Secretary of State shall require the use of
10 ignition interlock devices for a period not less than 5 years
11 on all vehicles owned by a person who has been convicted of a
12 second or subsequent offense under Section 11-501 of this Code
13 or a similar provision of a local ordinance. The person must
14 pay to the Secretary of State DUI Administration Fund an
15 amount not to exceed \$30 for each month that he or she uses the
16 device. The Secretary shall establish by rule and regulation
17 the procedures for certification and use of the interlock
18 system, the amount of the fee, and the procedures, terms, and
19 conditions relating to these fees. During the time period in
20 which a person is required to install an ignition interlock
21 device under this subsection (h), that person shall only
22 operate vehicles in which ignition interlock devices have been
23 installed, except as allowed by subdivision (c) (5) or (d) (5)
24 of this Section. Regardless of whether an exemption under
25 subdivision (c) (5) or (d) (5) applies, every person subject
26 to this subsection shall not be eligible for reinstatement

1 until the person installs an ignition interlock device and
2 maintains the ignition interlock device for 5 years.

3 (i) (Blank).

4 (j) In accordance with 49 C.F.R. 384, the Secretary of
5 State may not issue a restricted driving permit for the
6 operation of a commercial motor vehicle to a person holding a
7 CDL whose driving privileges have been revoked, suspended,
8 cancelled, or disqualified under any provisions of this Code.

9 (k) The Secretary of State shall notify by mail any person
10 whose driving privileges have been revoked under paragraph 16
11 of subsection (a) of this Section that his or her driving
12 privileges and driver's license will be revoked 90 days from
13 the date of the mailing of the notice.

14 (Source: P.A. 101-623, eff. 7-1-20; 102-299, eff. 8-6-21.)

15 (625 ILCS 5/6-206)

16 Sec. 6-206. Discretionary authority to suspend or revoke
17 license or permit; right to a hearing.

18 (a) The Secretary of State is authorized to suspend or
19 revoke the driving privileges of any person without
20 preliminary hearing upon a showing of the person's records or
21 other sufficient evidence that the person:

22 1. Has committed an offense for which mandatory
23 revocation of a driver's license or permit is required
24 upon conviction;

25 2. Has been convicted of not less than 3 offenses

1 against traffic regulations governing the movement of
2 vehicles committed within any 12-month period. No
3 revocation or suspension shall be entered more than 6
4 months after the date of last conviction;

5 3. Has been repeatedly involved as a driver in motor
6 vehicle collisions or has been repeatedly convicted of
7 offenses against laws and ordinances regulating the
8 movement of traffic, to a degree that indicates lack of
9 ability to exercise ordinary and reasonable care in the
10 safe operation of a motor vehicle or disrespect for the
11 traffic laws and the safety of other persons upon the
12 highway;

13 4. Has by the unlawful operation of a motor vehicle
14 caused or contributed to a crash ~~an accident~~ resulting in
15 injury requiring immediate professional treatment in a
16 medical facility or doctor's office to any person, except
17 that any suspension or revocation imposed by the Secretary
18 of State under the provisions of this subsection shall
19 start no later than 6 months after being convicted of
20 violating a law or ordinance regulating the movement of
21 traffic, which violation is related to the crash ~~accident~~,
22 or shall start not more than one year after the date of the
23 crash ~~accident~~, whichever date occurs later;

24 5. Has permitted an unlawful or fraudulent use of a
25 driver's license, identification card, or permit;

26 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization
2 contained in Section 6-203.1, which if committed within
3 this State would be grounds for suspension or revocation;

4 7. Has refused or failed to submit to an examination
5 provided for by Section 6-207 or has failed to pass the
6 examination;

7 8. Is ineligible for a driver's license or permit
8 under the provisions of Section 6-103;

9 9. Has made a false statement or knowingly concealed a
10 material fact or has used false information or
11 identification in any application for a license,
12 identification card, or permit;

13 10. Has possessed, displayed, or attempted to
14 fraudulently use any license, identification card, or
15 permit not issued to the person;

16 11. Has operated a motor vehicle upon a highway of
17 this State when the person's driving privilege or
18 privilege to obtain a driver's license or permit was
19 revoked or suspended unless the operation was authorized
20 by a monitoring device driving permit, judicial driving
21 permit issued prior to January 1, 2009, probationary
22 license to drive, or restricted driving permit issued
23 under this Code;

24 12. Has submitted to any portion of the application
25 process for another person or has obtained the services of
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,
2 identification card, or permit for some other person;

3 13. Has operated a motor vehicle upon a highway of
4 this State when the person's driver's license or permit
5 was invalid under the provisions of Sections 6-107.1 and
6 6-110;

7 14. Has committed a violation of Section 6-301,
8 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
9 14B of the Illinois Identification Card Act;

10 15. Has been convicted of violating Section 21-2 of
11 the Criminal Code of 1961 or the Criminal Code of 2012
12 relating to criminal trespass to vehicles if the person
13 exercised actual physical control over the vehicle during
14 the commission of the offense, in which case the
15 suspension shall be for one year;

16 16. Has been convicted of violating Section 11-204 of
17 this Code relating to fleeing from a peace officer;

18 17. Has refused to submit to a test, or tests, as
19 required under Section 11-501.1 of this Code and the
20 person has not sought a hearing as provided for in Section
21 11-501.1;

22 18. (Blank);

23 19. Has committed a violation of paragraph (a) or (b)
24 of Section 6-101 relating to driving without a driver's
25 license;

26 20. Has been convicted of violating Section 6-104

1 relating to classification of driver's license;

2 21. Has been convicted of violating Section 11-402 of
3 this Code relating to leaving the scene of a crash ~~an~~
4 ~~accident~~ resulting in damage to a vehicle in excess of
5 \$1,000, in which case the suspension shall be for one
6 year;

7 22. Has used a motor vehicle in violating paragraph
8 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
9 the Criminal Code of 1961 or the Criminal Code of 2012
10 relating to unlawful use of weapons, in which case the
11 suspension shall be for one year;

12 23. Has, as a driver, been convicted of committing a
13 violation of paragraph (a) of Section 11-502 of this Code
14 for a second or subsequent time within one year of a
15 similar violation;

16 24. Has been convicted by a court-martial or punished
17 by non-judicial punishment by military authorities of the
18 United States at a military installation in Illinois or in
19 another state of or for a traffic-related offense that is
20 the same as or similar to an offense specified under
21 Section 6-205 or 6-206 of this Code;

22 25. Has permitted any form of identification to be
23 used by another in the application process in order to
24 obtain or attempt to obtain a license, identification
25 card, or permit;

26 26. Has altered or attempted to alter a license or has

1 possessed an altered license, identification card, or
2 permit;

3 27. (Blank);

4 28. Has been convicted for a first time of the illegal
5 possession, while operating or in actual physical control,
6 as a driver, of a motor vehicle, of any controlled
7 substance prohibited under the Illinois Controlled
8 Substances Act, any cannabis prohibited under the Cannabis
9 Control Act, or any methamphetamine prohibited under the
10 Methamphetamine Control and Community Protection Act, in
11 which case the person's driving privileges shall be
12 suspended for one year. Any defendant found guilty of this
13 offense while operating a motor vehicle shall have an
14 entry made in the court record by the presiding judge that
15 this offense did occur while the defendant was operating a
16 motor vehicle and order the clerk of the court to report
17 the violation to the Secretary of State;

18 29. Has been convicted of the following offenses that
19 were committed while the person was operating or in actual
20 physical control, as a driver, of a motor vehicle:
21 criminal sexual assault, predatory criminal sexual assault
22 of a child, aggravated criminal sexual assault, criminal
23 sexual abuse, aggravated criminal sexual abuse, juvenile
24 pimping, soliciting for a juvenile prostitute, promoting
25 juvenile prostitution as described in subdivision (a)(1),
26 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code

1 of 1961 or the Criminal Code of 2012, and the manufacture,
2 sale or delivery of controlled substances or instruments
3 used for illegal drug use or abuse in which case the
4 driver's driving privileges shall be suspended for one
5 year;

6 30. Has been convicted a second or subsequent time for
7 any combination of the offenses named in paragraph 29 of
8 this subsection, in which case the person's driving
9 privileges shall be suspended for 5 years;

10 31. Has refused to submit to a test as required by
11 Section 11-501.6 of this Code or Section 5-16c of the Boat
12 Registration and Safety Act or has submitted to a test
13 resulting in an alcohol concentration of 0.08 or more or
14 any amount of a drug, substance, or compound resulting
15 from the unlawful use or consumption of cannabis as listed
16 in the Cannabis Control Act, a controlled substance as
17 listed in the Illinois Controlled Substances Act, an
18 intoxicating compound as listed in the Use of Intoxicating
19 Compounds Act, or methamphetamine as listed in the
20 Methamphetamine Control and Community Protection Act, in
21 which case the penalty shall be as prescribed in Section
22 6-208.1;

23 32. Has been convicted of Section 24-1.2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012
25 relating to the aggravated discharge of a firearm if the
26 offender was located in a motor vehicle at the time the

1 firearm was discharged, in which case the suspension shall
2 be for 3 years;

3 33. Has as a driver, who was less than 21 years of age
4 on the date of the offense, been convicted a first time of
5 a violation of paragraph (a) of Section 11-502 of this
6 Code or a similar provision of a local ordinance;

7 34. Has committed a violation of Section 11-1301.5 of
8 this Code or a similar provision of a local ordinance;

9 35. Has committed a violation of Section 11-1301.6 of
10 this Code or a similar provision of a local ordinance;

11 36. Is under the age of 21 years at the time of arrest
12 and has been convicted of not less than 2 offenses against
13 traffic regulations governing the movement of vehicles
14 committed within any 24-month period. No revocation or
15 suspension shall be entered more than 6 months after the
16 date of last conviction;

17 37. Has committed a violation of subsection (c) of
18 Section 11-907 of this Code that resulted in damage to the
19 property of another or the death or injury of another;

20 38. Has been convicted of a violation of Section 6-20
21 of the Liquor Control Act of 1934 or a similar provision of
22 a local ordinance and the person was an occupant of a motor
23 vehicle at the time of the violation;

24 39. Has committed a second or subsequent violation of
25 Section 11-1201 of this Code;

26 40. Has committed a violation of subsection (a-1) of

1 Section 11-908 of this Code;

2 41. Has committed a second or subsequent violation of
3 Section 11-605.1 of this Code, a similar provision of a
4 local ordinance, or a similar violation in any other state
5 within 2 years of the date of the previous violation, in
6 which case the suspension shall be for 90 days;

7 42. Has committed a violation of subsection (a-1) of
8 Section 11-1301.3 of this Code or a similar provision of a
9 local ordinance;

10 43. Has received a disposition of court supervision
11 for a violation of subsection (a), (d), or (e) of Section
12 6-20 of the Liquor Control Act of 1934 or a similar
13 provision of a local ordinance and the person was an
14 occupant of a motor vehicle at the time of the violation,
15 in which case the suspension shall be for a period of 3
16 months;

17 44. Is under the age of 21 years at the time of arrest
18 and has been convicted of an offense against traffic
19 regulations governing the movement of vehicles after
20 having previously had his or her driving privileges
21 suspended or revoked pursuant to subparagraph 36 of this
22 Section;

23 45. Has, in connection with or during the course of a
24 formal hearing conducted under Section 2-118 of this Code:
25 (i) committed perjury; (ii) submitted fraudulent or
26 falsified documents; (iii) submitted documents that have

1 been materially altered; or (iv) submitted, as his or her
2 own, documents that were in fact prepared or composed for
3 another person;

4 46. Has committed a violation of subsection (j) of
5 Section 3-413 of this Code;

6 47. Has committed a violation of subsection (a) of
7 Section 11-502.1 of this Code;

8 48. Has submitted a falsified or altered medical
9 examiner's certificate to the Secretary of State or
10 provided false information to obtain a medical examiner's
11 certificate;

12 49. Has been convicted of a violation of Section
13 11-1002 or 11-1002.5 that resulted in a Type A injury to
14 another, in which case the driving privileges of the
15 person shall be suspended for 12 months; or

16 50. Has committed a violation of subsection (b-5) of
17 Section 12-610.2 that resulted in great bodily harm,
18 permanent disability, or disfigurement, in which case the
19 driving privileges of the person shall be suspended for 12
20 months. ~~or 50~~

21 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
22 and 27 of this subsection, license means any driver's license,
23 any traffic ticket issued when the person's driver's license
24 is deposited in lieu of bail, a suspension notice issued by the
25 Secretary of State, a duplicate or corrected driver's license,
26 a probationary driver's license, or a temporary driver's

1 license.

2 (b) If any conviction forming the basis of a suspension or
3 revocation authorized under this Section is appealed, the
4 Secretary of State may rescind or withhold the entry of the
5 order of suspension or revocation, as the case may be,
6 provided that a certified copy of a stay order of a court is
7 filed with the Secretary of State. If the conviction is
8 affirmed on appeal, the date of the conviction shall relate
9 back to the time the original judgment of conviction was
10 entered and the 6-month limitation prescribed shall not apply.

11 (c) 1. Upon suspending or revoking the driver's license or
12 permit of any person as authorized in this Section, the
13 Secretary of State shall immediately notify the person in
14 writing of the revocation or suspension. The notice to be
15 deposited in the United States mail, postage prepaid, to the
16 last known address of the person.

17 2. If the Secretary of State suspends the driver's license
18 of a person under subsection 2 of paragraph (a) of this
19 Section, a person's privilege to operate a vehicle as an
20 occupation shall not be suspended, provided an affidavit is
21 properly completed, the appropriate fee received, and a permit
22 issued prior to the effective date of the suspension, unless 5
23 offenses were committed, at least 2 of which occurred while
24 operating a commercial vehicle in connection with the driver's
25 regular occupation. All other driving privileges shall be
26 suspended by the Secretary of State. Any driver prior to

1 operating a vehicle for occupational purposes only must submit
2 the affidavit on forms to be provided by the Secretary of State
3 setting forth the facts of the person's occupation. The
4 affidavit shall also state the number of offenses committed
5 while operating a vehicle in connection with the driver's
6 regular occupation. The affidavit shall be accompanied by the
7 driver's license. Upon receipt of a properly completed
8 affidavit, the Secretary of State shall issue the driver a
9 permit to operate a vehicle in connection with the driver's
10 regular occupation only. Unless the permit is issued by the
11 Secretary of State prior to the date of suspension, the
12 privilege to drive any motor vehicle shall be suspended as set
13 forth in the notice that was mailed under this Section. If an
14 affidavit is received subsequent to the effective date of this
15 suspension, a permit may be issued for the remainder of the
16 suspension period.

17 The provisions of this subparagraph shall not apply to any
18 driver required to possess a CDL for the purpose of operating a
19 commercial motor vehicle.

20 Any person who falsely states any fact in the affidavit
21 required herein shall be guilty of perjury under Section 6-302
22 and upon conviction thereof shall have all driving privileges
23 revoked without further rights.

24 3. At the conclusion of a hearing under Section 2-118 of
25 this Code, the Secretary of State shall either rescind or
26 continue an order of revocation or shall substitute an order

1 of suspension; or, good cause appearing therefor, rescind,
2 continue, change, or extend the order of suspension. If the
3 Secretary of State does not rescind the order, the Secretary
4 may upon application, to relieve undue hardship (as defined by
5 the rules of the Secretary of State), issue a restricted
6 driving permit granting the privilege of driving a motor
7 vehicle between the petitioner's residence and petitioner's
8 place of employment or within the scope of the petitioner's
9 employment-related duties, or to allow the petitioner to
10 transport himself or herself, or a family member of the
11 petitioner's household to a medical facility, to receive
12 necessary medical care, to allow the petitioner to transport
13 himself or herself to and from alcohol or drug remedial or
14 rehabilitative activity recommended by a licensed service
15 provider, or to allow the petitioner to transport himself or
16 herself or a family member of the petitioner's household to
17 classes, as a student, at an accredited educational
18 institution, or to allow the petitioner to transport children,
19 elderly persons, or persons with disabilities who do not hold
20 driving privileges and are living in the petitioner's
21 household to and from daycare. The petitioner must demonstrate
22 that no alternative means of transportation is reasonably
23 available and that the petitioner will not endanger the public
24 safety or welfare.

25 (A) If a person's license or permit is revoked or
26 suspended due to 2 or more convictions of violating

1 Section 11-501 of this Code or a similar provision of a
2 local ordinance or a similar out-of-state offense, or
3 Section 9-3 of the Criminal Code of 1961 or the Criminal
4 Code of 2012, where the use of alcohol or other drugs is
5 recited as an element of the offense, or a similar
6 out-of-state offense, or a combination of these offenses,
7 arising out of separate occurrences, that person, if
8 issued a restricted driving permit, may not operate a
9 vehicle unless it has been equipped with an ignition
10 interlock device as defined in Section 1-129.1.

11 (B) If a person's license or permit is revoked or
12 suspended 2 or more times due to any combination of:

13 (i) a single conviction of violating Section
14 11-501 of this Code or a similar provision of a local
15 ordinance or a similar out-of-state offense or Section
16 9-3 of the Criminal Code of 1961 or the Criminal Code
17 of 2012, where the use of alcohol or other drugs is
18 recited as an element of the offense, or a similar
19 out-of-state offense; or

20 (ii) a statutory summary suspension or revocation
21 under Section 11-501.1; or

22 (iii) a suspension under Section 6-203.1;
23 arising out of separate occurrences; that person, if
24 issued a restricted driving permit, may not operate a
25 vehicle unless it has been equipped with an ignition
26 interlock device as defined in Section 1-129.1.

1 (B-5) If a person's license or permit is revoked or
2 suspended due to a conviction for a violation of
3 subparagraph (C) or (F) of paragraph (1) of subsection (d)
4 of Section 11-501 of this Code, or a similar provision of a
5 local ordinance or similar out-of-state offense, that
6 person, if issued a restricted driving permit, may not
7 operate a vehicle unless it has been equipped with an
8 ignition interlock device as defined in Section 1-129.1.

9 (C) The person issued a permit conditioned upon the
10 use of an ignition interlock device must pay to the
11 Secretary of State DUI Administration Fund an amount not
12 to exceed \$30 per month. The Secretary shall establish by
13 rule the amount and the procedures, terms, and conditions
14 relating to these fees.

15 (D) If the restricted driving permit is issued for
16 employment purposes, then the prohibition against
17 operating a motor vehicle that is not equipped with an
18 ignition interlock device does not apply to the operation
19 of an occupational vehicle owned or leased by that
20 person's employer when used solely for employment
21 purposes. For any person who, within a 5-year period, is
22 convicted of a second or subsequent offense under Section
23 11-501 of this Code, or a similar provision of a local
24 ordinance or similar out-of-state offense, this employment
25 exemption does not apply until either a one-year period
26 has elapsed during which that person had his or her

1 driving privileges revoked or a one-year period has
2 elapsed during which that person had a restricted driving
3 permit which required the use of an ignition interlock
4 device on every motor vehicle owned or operated by that
5 person.

6 (E) In each case the Secretary may issue a restricted
7 driving permit for a period deemed appropriate, except
8 that all permits shall expire no later than 2 years from
9 the date of issuance. A restricted driving permit issued
10 under this Section shall be subject to cancellation,
11 revocation, and suspension by the Secretary of State in
12 like manner and for like cause as a driver's license
13 issued under this Code may be cancelled, revoked, or
14 suspended; except that a conviction upon one or more
15 offenses against laws or ordinances regulating the
16 movement of traffic shall be deemed sufficient cause for
17 the revocation, suspension, or cancellation of a
18 restricted driving permit. The Secretary of State may, as
19 a condition to the issuance of a restricted driving
20 permit, require the applicant to participate in a
21 designated driver remedial or rehabilitative program. The
22 Secretary of State is authorized to cancel a restricted
23 driving permit if the permit holder does not successfully
24 complete the program.

25 (F) A person subject to the provisions of paragraph 4
26 of subsection (b) of Section 6-208 of this Code may make

1 application for a restricted driving permit at a hearing
2 conducted under Section 2-118 of this Code after the
3 expiration of 5 years from the effective date of the most
4 recent revocation or after 5 years from the date of
5 release from a period of imprisonment resulting from a
6 conviction of the most recent offense, whichever is later,
7 provided the person, in addition to all other requirements
8 of the Secretary, shows by clear and convincing evidence:

9 (i) a minimum of 3 years of uninterrupted
10 abstinence from alcohol and the unlawful use or
11 consumption of cannabis under the Cannabis Control
12 Act, a controlled substance under the Illinois
13 Controlled Substances Act, an intoxicating compound
14 under the Use of Intoxicating Compounds Act, or
15 methamphetamine under the Methamphetamine Control and
16 Community Protection Act; and

17 (ii) the successful completion of any
18 rehabilitative treatment and involvement in any
19 ongoing rehabilitative activity that may be
20 recommended by a properly licensed service provider
21 according to an assessment of the person's alcohol or
22 drug use under Section 11-501.01 of this Code.

23 In determining whether an applicant is eligible for a
24 restricted driving permit under this subparagraph (F), the
25 Secretary may consider any relevant evidence, including,
26 but not limited to, testimony, affidavits, records, and

1 the results of regular alcohol or drug tests. Persons
2 subject to the provisions of paragraph 4 of subsection (b)
3 of Section 6-208 of this Code and who have been convicted
4 of more than one violation of paragraph (3), paragraph
5 (4), or paragraph (5) of subsection (a) of Section 11-501
6 of this Code shall not be eligible to apply for a
7 restricted driving permit under this subparagraph (F).

8 A restricted driving permit issued under this
9 subparagraph (F) shall provide that the holder may only
10 operate motor vehicles equipped with an ignition interlock
11 device as required under paragraph (2) of subsection (c)
12 of Section 6-205 of this Code and subparagraph (A) of
13 paragraph 3 of subsection (c) of this Section. The
14 Secretary may revoke a restricted driving permit or amend
15 the conditions of a restricted driving permit issued under
16 this subparagraph (F) if the holder operates a vehicle
17 that is not equipped with an ignition interlock device, or
18 for any other reason authorized under this Code.

19 A restricted driving permit issued under this
20 subparagraph (F) shall be revoked, and the holder barred
21 from applying for or being issued a restricted driving
22 permit in the future, if the holder is convicted of a
23 violation of Section 11-501 of this Code, a similar
24 provision of a local ordinance, or a similar offense in
25 another state.

26 (c-3) In the case of a suspension under paragraph 43 of

1 subsection (a), reports received by the Secretary of State
2 under this Section shall, except during the actual time the
3 suspension is in effect, be privileged information and for use
4 only by the courts, police officers, prosecuting authorities,
5 the driver licensing administrator of any other state, the
6 Secretary of State, or the parent or legal guardian of a driver
7 under the age of 18. However, beginning January 1, 2008, if the
8 person is a CDL holder, the suspension shall also be made
9 available to the driver licensing administrator of any other
10 state, the U.S. Department of Transportation, and the affected
11 driver or motor carrier or prospective motor carrier upon
12 request.

13 (c-4) In the case of a suspension under paragraph 43 of
14 subsection (a), the Secretary of State shall notify the person
15 by mail that his or her driving privileges and driver's
16 license will be suspended one month after the date of the
17 mailing of the notice.

18 (c-5) The Secretary of State may, as a condition of the
19 reissuance of a driver's license or permit to an applicant
20 whose driver's license or permit has been suspended before he
21 or she reached the age of 21 years pursuant to any of the
22 provisions of this Section, require the applicant to
23 participate in a driver remedial education course and be
24 retested under Section 6-109 of this Code.

25 (d) This Section is subject to the provisions of the
26 Driver License Compact.

1 (e) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been suspended or revoked under any
4 provisions of this Code.

5 (f) In accordance with 49 C.F.R. 384, the Secretary of
6 State may not issue a restricted driving permit for the
7 operation of a commercial motor vehicle to a person holding a
8 CDL whose driving privileges have been suspended, revoked,
9 cancelled, or disqualified under any provisions of this Code.

10 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
11 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
12 8-6-21; 102-558, eff. 8-20-21; revised 10-28-21.)

13 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

14 Sec. 6-208.1. Period of statutory summary alcohol, other
15 drug, or intoxicating compound related suspension or
16 revocation.

17 (a) Unless the statutory summary suspension has been
18 rescinded, any person whose privilege to drive a motor vehicle
19 on the public highways has been summarily suspended, pursuant
20 to Section 11-501.1, shall not be eligible for restoration of
21 the privilege until the expiration of:

22 1. twelve months from the effective date of the
23 statutory summary suspension for a refusal or failure to
24 complete a test or tests to determine the alcohol, other
25 drug, or intoxicating compound concentration under Section

1 11-501.1, if the person was not involved in a motor
2 vehicle crash ~~accident~~ that caused personal injury or
3 death to another; or

4 2. six months from the effective date of the statutory
5 summary suspension imposed following the person's
6 submission to a chemical test which disclosed an alcohol
7 concentration of 0.08 or more, the presence of cannabis as
8 listed in the Cannabis Control Act with a
9 tetrahydrocannabinol concentration as defined in paragraph
10 6 of subsection (a) of Section 11-501.2 of this Code, or
11 any amount of a drug, substance, or intoxicating compound
12 in such person's breath, blood, other bodily substance, or
13 urine resulting from the unlawful use or consumption of a
14 controlled substance listed in the Illinois Controlled
15 Substances Act, an intoxicating compound listed in the Use
16 of Intoxicating Compounds Act, or methamphetamine as
17 listed in the Methamphetamine Control and Community
18 Protection Act, pursuant to Section 11-501.1; or

19 3. three years from the effective date of the
20 statutory summary suspension for any person other than a
21 first offender who refuses or fails to complete a test or
22 tests to determine the alcohol, drug, or intoxicating
23 compound concentration pursuant to Section 11-501.1; or

24 4. one year from the effective date of the summary
25 suspension imposed for any person other than a first
26 offender following submission to a chemical test which

1 disclosed an alcohol concentration of 0.08 or more
2 pursuant to Section 11-501.1, the presence of cannabis as
3 listed in the Cannabis Control Act with a
4 tetrahydrocannabinol concentration as defined in paragraph
5 6 of subsection (a) of Section 11-501.2 of this Code, or
6 any amount of a drug, substance or compound in such
7 person's blood, other bodily substance, or urine resulting
8 from the unlawful use or consumption of a controlled
9 substance listed in the Illinois Controlled Substances
10 Act, an intoxicating compound listed in the Use of
11 Intoxicating Compounds Act, or methamphetamine as listed
12 in the Methamphetamine Control and Community Protection
13 Act; or

14 5. (Blank).

15 (b) Following a statutory summary suspension of the
16 privilege to drive a motor vehicle under Section 11-501.1,
17 driving privileges shall be restored unless the person is
18 otherwise suspended, revoked, or cancelled by this Code. If
19 the court has reason to believe that the person's driving
20 privilege should not be restored, the court shall notify the
21 Secretary of State prior to the expiration of the statutory
22 summary suspension so appropriate action may be taken pursuant
23 to this Code.

24 (c) Driving privileges may not be restored until all
25 applicable reinstatement fees, as provided by this Code, have
26 been paid to the Secretary of State and the appropriate entry

1 made to the driver's record.

2 (d) Where a driving privilege has been summarily suspended
3 or revoked under Section 11-501.1 and the person is
4 subsequently convicted of violating Section 11-501, or a
5 similar provision of a local ordinance, for the same incident,
6 any period served on statutory summary suspension or
7 revocation shall be credited toward the minimum period of
8 revocation of driving privileges imposed pursuant to Section
9 6-205.

10 (e) A first offender who refused chemical testing and
11 whose driving privileges were summarily revoked pursuant to
12 Section 11-501.1 shall not be eligible for a monitoring device
13 driving permit, but may make application for reinstatement or
14 for a restricted driving permit after a period of one year has
15 elapsed from the effective date of the revocation.

16 (f) (Blank).

17 (g) (Blank).

18 (h) (Blank).

19 (Source: P.A. 98-122, eff. 1-1-14; 98-1015, eff. 8-22-14;
20 98-1172, eff. 1-12-15; 99-467, eff. 1-1-16; 99-697, eff.
21 7-29-16.)

22 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

23 Sec. 6-303. Driving while driver's license, permit, or
24 privilege to operate a motor vehicle is suspended or revoked.

25 (a) Except as otherwise provided in subsection (a-5) or

1 (a-7), any person who drives or is in actual physical control
2 of a motor vehicle on any highway of this State at a time when
3 such person's driver's license, permit, or privilege to do so
4 or the privilege to obtain a driver's license or permit is
5 revoked or suspended as provided by this Code or the law of
6 another state, except as may be specifically allowed by a
7 judicial driving permit issued prior to January 1, 2009,
8 monitoring device driving permit, family financial
9 responsibility driving permit, probationary license to drive,
10 or a restricted driving permit issued pursuant to this Code or
11 under the law of another state, shall be guilty of a Class A
12 misdemeanor.

13 (a-3) A second or subsequent violation of subsection (a)
14 of this Section is a Class 4 felony if committed by a person
15 whose driving or operation of a motor vehicle is the proximate
16 cause of a motor vehicle crash ~~accident~~ that causes personal
17 injury or death to another. For purposes of this subsection, a
18 personal injury includes any Type A injury as indicated on the
19 traffic crash ~~accident~~ report completed by a law enforcement
20 officer that requires immediate professional attention in
21 either a doctor's office or a medical facility. A Type A injury
22 includes severe bleeding wounds, distorted extremities, and
23 injuries that require the injured party to be carried from the
24 scene.

25 (a-5) Any person who violates this Section as provided in
26 subsection (a) while his or her driver's license, permit, or

1 privilege is revoked because of a violation of Section 9-3 of
2 the Criminal Code of 1961 or the Criminal Code of 2012,
3 relating to the offense of reckless homicide, or a violation
4 of subparagraph (F) of paragraph (1) of subsection (d) of
5 Section 11-501 of this Code, relating to the offense of
6 aggravated driving under the influence of alcohol, other drug
7 or drugs, or intoxicating compound or compounds, or any
8 combination thereof when the violation was a proximate cause
9 of a death, or a similar provision of a law of another state,
10 is guilty of a Class 4 felony. The person shall be required to
11 undergo a professional evaluation, as provided in Section
12 11-501 of this Code, to determine if an alcohol, drug, or
13 intoxicating compound problem exists and the extent of the
14 problem, and to undergo the imposition of treatment as
15 appropriate.

16 (a-7) Any person who violates this Section as provided in
17 subsection (a) while his or her driver's license or privilege
18 to drive is suspended under Section 6-306.5 or 7-702 of this
19 Code shall receive a Uniform Traffic Citation from the law
20 enforcement officer. A person who receives 3 or more Uniform
21 Traffic Citations under this subsection (a-7) without paying
22 any fees associated with the citations shall be guilty of a
23 Class A misdemeanor.

24 (a-10) A person's driver's license, permit, or privilege
25 to obtain a driver's license or permit may be subject to
26 multiple revocations, multiple suspensions, or any combination

1 of both simultaneously. No revocation or suspension shall
2 serve to negate, invalidate, cancel, postpone, or in any way
3 lessen the effect of any other revocation or suspension
4 entered prior or subsequent to any other revocation or
5 suspension.

6 (b) (Blank).

7 (b-1) Except for a person under subsection (a-7) of this
8 Section, upon receiving a report of the conviction of any
9 violation indicating a person was operating a motor vehicle
10 during the time when the person's driver's license, permit, or
11 privilege was suspended by the Secretary of State or the
12 driver's licensing administrator of another state, except as
13 specifically allowed by a probationary license, judicial
14 driving permit, restricted driving permit, or monitoring
15 device driving permit, the Secretary shall extend the
16 suspension for the same period of time as the originally
17 imposed suspension unless the suspension has already expired,
18 in which case the Secretary shall be authorized to suspend the
19 person's driving privileges for the same period of time as the
20 originally imposed suspension.

21 (b-2) Except as provided in subsection (b-6) or (a-7),
22 upon receiving a report of the conviction of any violation
23 indicating a person was operating a motor vehicle when the
24 person's driver's license, permit, or privilege was revoked by
25 the Secretary of State or the driver's license administrator
26 of any other state, except as specifically allowed by a

1 restricted driving permit issued pursuant to this Code or the
2 law of another state, the Secretary shall not issue a driver's
3 license for an additional period of one year from the date of
4 such conviction indicating such person was operating a vehicle
5 during such period of revocation.

6 (b-3) (Blank).

7 (b-4) When the Secretary of State receives a report of a
8 conviction of any violation indicating a person was operating
9 a motor vehicle that was not equipped with an ignition
10 interlock device during a time when the person was prohibited
11 from operating a motor vehicle not equipped with such a
12 device, the Secretary shall not issue a driver's license to
13 that person for an additional period of one year from the date
14 of the conviction.

15 (b-5) Any person convicted of violating this Section shall
16 serve a minimum term of imprisonment of 30 consecutive days or
17 300 hours of community service when the person's driving
18 privilege was revoked or suspended as a result of a violation
19 of Section 9-3 of the Criminal Code of 1961 or the Criminal
20 Code of 2012, relating to the offense of reckless homicide, or
21 a violation of subparagraph (F) of paragraph (1) of subsection
22 (d) of Section 11-501 of this Code, relating to the offense of
23 aggravated driving under the influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds, or any
25 combination thereof when the violation was a proximate cause
26 of a death, or a similar provision of a law of another state.

1 The court may give credit toward the fulfillment of community
2 service hours for participation in activities and treatment as
3 determined by court services.

4 (b-6) Upon receiving a report of a first conviction of
5 operating a motor vehicle while the person's driver's license,
6 permit, or privilege was revoked where the revocation was for
7 a violation of Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 relating to the offense of reckless
9 homicide, or a violation of subparagraph (F) of paragraph (1)
10 of subsection (d) of Section 11-501 of this Code, relating to
11 the offense of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof when the violation was a
14 proximate cause of a death, or a similar out-of-state offense,
15 the Secretary shall not issue a driver's license for an
16 additional period of 3 years from the date of such conviction.

17 (c) Except as provided in subsections (c-3) and (c-4), any
18 person convicted of violating this Section shall serve a
19 minimum term of imprisonment of 10 consecutive days or 30 days
20 of community service when the person's driving privilege was
21 revoked or suspended as a result of:

22 (1) a violation of Section 11-501 of this Code or a
23 similar provision of a local ordinance relating to the
24 offense of operating or being in physical control of a
25 vehicle while under the influence of alcohol, any other
26 drug or any combination thereof; or

1 (2) a violation of paragraph (b) of Section 11-401 of
2 this Code or a similar provision of a local ordinance
3 relating to the offense of leaving the scene of a motor
4 vehicle crash ~~accident~~ involving personal injury or death;
5 or

6 (3) a statutory summary suspension or revocation under
7 Section 11-501.1 of this Code.

8 Such sentence of imprisonment or community service shall
9 not be subject to suspension in order to reduce such sentence.

10 (c-1) Except as provided in subsections (a-7), (c-5), and
11 (d), any person convicted of a second violation of this
12 Section shall be ordered by the court to serve a minimum of 100
13 hours of community service. The court may give credit toward
14 the fulfillment of community service hours for participation
15 in activities and treatment as determined by court services.

16 (c-2) In addition to other penalties imposed under this
17 Section, the court may impose on any person convicted a fourth
18 time of violating this Section any of the following:

19 (1) Seizure of the license plates of the person's
20 vehicle.

21 (2) Immobilization of the person's vehicle for a
22 period of time to be determined by the court.

23 (c-3) Any person convicted of a violation of this Section
24 during a period of summary suspension imposed pursuant to
25 Section 11-501.1 when the person was eligible for a monitoring
26 device driving permit shall be guilty of a Class 4 felony and

1 shall serve a minimum term of imprisonment of 30 days.

2 (c-4) Any person who has been issued a monitoring device
3 driving permit or a restricted driving permit which requires
4 the person to operate only motor vehicles equipped with an
5 ignition interlock device and who is convicted of a violation
6 of this Section as a result of operating or being in actual
7 physical control of a motor vehicle not equipped with an
8 ignition interlock device at the time of the offense shall be
9 guilty of a Class 4 felony and shall serve a minimum term of
10 imprisonment of 30 days.

11 (c-5) Any person convicted of a second violation of this
12 Section is guilty of a Class 2 felony, is not eligible for
13 probation or conditional discharge, and shall serve a
14 mandatory term of imprisonment, if:

15 (1) the current violation occurred when the person's
16 driver's license was suspended or revoked for a violation
17 of Section 9-3 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, relating to the offense of reckless
19 homicide, or a violation of subparagraph (F) of paragraph
20 (1) of subsection (d) of Section 11-501 of this Code,
21 relating to the offense of aggravated driving under the
22 influence of alcohol, other drug or drugs, or intoxicating
23 compound or compounds, or any combination thereof when the
24 violation was a proximate cause of a death, or a similar
25 out-of-state offense; and

26 (2) the prior conviction under this Section occurred

1 while the person's driver's license was suspended or
2 revoked for a violation of Section 9-3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012 relating to the
4 offense of reckless homicide, or a violation of
5 subparagraph (F) of paragraph (1) of subsection (d) of
6 Section 11-501 of this Code, relating to the offense of
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof when the violation was a proximate
10 cause of a death, or a similar out-of-state offense, or
11 was suspended or revoked for a violation of Section 11-401
12 or 11-501 of this Code, a similar out-of-state offense, a
13 similar provision of a local ordinance, or a statutory
14 summary suspension or revocation under Section 11-501.1 of
15 this Code.

16 (d) Any person convicted of a second violation of this
17 Section shall be guilty of a Class 4 felony and shall serve a
18 minimum term of imprisonment of 30 days or 300 hours of
19 community service, as determined by the court, if:

20 (1) the current violation occurred when the person's
21 driver's license was suspended or revoked for a violation
22 of Section 11-401 or 11-501 of this Code, a similar
23 out-of-state offense, a similar provision of a local
24 ordinance, or a statutory summary suspension or revocation
25 under Section 11-501.1 of this Code; and

26 (2) the prior conviction under this Section occurred

1 while the person's driver's license was suspended or
2 revoked for a violation of Section 11-401 or 11-501 of
3 this Code, a similar out-of-state offense, a similar
4 provision of a local ordinance, or a statutory summary
5 suspension or revocation under Section 11-501.1 of this
6 Code, or for a violation of Section 9-3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012, relating to the
8 offense of reckless homicide, or a violation of
9 subparagraph (F) of paragraph (1) of subsection (d) of
10 Section 11-501 of this Code, relating to the offense of
11 aggravated driving under the influence of alcohol, other
12 drug or drugs, or intoxicating compound or compounds, or
13 any combination thereof when the violation was a proximate
14 cause of a death, or a similar out-of-state offense.

15 The court may give credit toward the fulfillment of
16 community service hours for participation in activities and
17 treatment as determined by court services.

18 (d-1) Except as provided in subsections (a-7), (d-2),
19 (d-2.5), and (d-3), any person convicted of a third or
20 subsequent violation of this Section shall serve a minimum
21 term of imprisonment of 30 days or 300 hours of community
22 service, as determined by the court. The court may give credit
23 toward the fulfillment of community service hours for
24 participation in activities and treatment as determined by
25 court services.

26 (d-2) Any person convicted of a third violation of this

1 Section is guilty of a Class 4 felony and must serve a minimum
2 term of imprisonment of 30 days, if:

3 (1) the current violation occurred when the person's
4 driver's license was suspended or revoked for a violation
5 of Section 11-401 or 11-501 of this Code, or a similar
6 out-of-state offense, or a similar provision of a local
7 ordinance, or a statutory summary suspension or revocation
8 under Section 11-501.1 of this Code; and

9 (2) the prior convictions under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 11-401 or 11-501 of
12 this Code, a similar out-of-state offense, a similar
13 provision of a local ordinance, or a statutory summary
14 suspension or revocation under Section 11-501.1 of this
15 Code, or for a violation of Section 9-3 of the Criminal
16 Code of 1961 or the Criminal Code of 2012, relating to the
17 offense of reckless homicide, or a violation of
18 subparagraph (F) of paragraph (1) of subsection (d) of
19 Section 11-501 of this Code, relating to the offense of
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof when the violation was a proximate
23 cause of a death, or a similar out-of-state offense.

24 (d-2.5) Any person convicted of a third violation of this
25 Section is guilty of a Class 1 felony, is not eligible for
26 probation or conditional discharge, and must serve a mandatory

1 term of imprisonment, if:

2 (1) the current violation occurred while the person's
3 driver's license was suspended or revoked for a violation
4 of Section 9-3 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, relating to the offense of reckless
6 homicide, or a violation of subparagraph (F) of paragraph
7 (1) of subsection (d) of Section 11-501 of this Code,
8 relating to the offense of aggravated driving under the
9 influence of alcohol, other drug or drugs, or intoxicating
10 compound or compounds, or any combination thereof when the
11 violation was a proximate cause of a death, or a similar
12 out-of-state offense. The person's driving privileges
13 shall be revoked for the remainder of the person's life;
14 and

15 (2) the prior convictions under this Section occurred
16 while the person's driver's license was suspended or
17 revoked for a violation of Section 9-3 of the Criminal
18 Code of 1961 or the Criminal Code of 2012, relating to the
19 offense of reckless homicide, or a violation of
20 subparagraph (F) of paragraph (1) of subsection (d) of
21 Section 11-501 of this Code, relating to the offense of
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, or intoxicating compound or compounds, or
24 any combination thereof when the violation was a proximate
25 cause of a death, or a similar out-of-state offense, or
26 was suspended or revoked for a violation of Section 11-401

1 or 11-501 of this Code, a similar out-of-state offense, a
2 similar provision of a local ordinance, or a statutory
3 summary suspension or revocation under Section 11-501.1 of
4 this Code.

5 (d-3) Any person convicted of a fourth, fifth, sixth,
6 seventh, eighth, or ninth violation of this Section is guilty
7 of a Class 4 felony and must serve a minimum term of
8 imprisonment of 180 days, if:

9 (1) the current violation occurred when the person's
10 driver's license was suspended or revoked for a violation
11 of Section 11-401 or 11-501 of this Code, a similar
12 out-of-state offense, a similar provision of a local
13 ordinance, or a statutory summary suspension or revocation
14 under Section 11-501.1 of this Code; and

15 (2) the prior convictions under this Section occurred
16 while the person's driver's license was suspended or
17 revoked for a violation of Section 11-401 or 11-501 of
18 this Code, a similar out-of-state offense, a similar
19 provision of a local ordinance, or a statutory summary
20 suspension or revocation under Section 11-501.1 of this
21 Code, or for a violation of Section 9-3 of the Criminal
22 Code of 1961 or the Criminal Code of 2012, relating to the
23 offense of reckless homicide, or a violation of
24 subparagraph (F) of paragraph (1) of subsection (d) of
25 Section 11-501 of this Code, relating to the offense of
26 aggravated driving under the influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or
2 any combination thereof when the violation was a proximate
3 cause of a death, or a similar out-of-state offense.

4 (d-3.5) Any person convicted of a fourth or subsequent
5 violation of this Section is guilty of a Class 1 felony, is not
6 eligible for probation or conditional discharge, must serve a
7 mandatory term of imprisonment, and is eligible for an
8 extended term, if:

9 (1) the current violation occurred when the person's
10 driver's license was suspended or revoked for a violation
11 of Section 9-3 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, relating to the offense of reckless
13 homicide, or a violation of subparagraph (F) of paragraph
14 (1) of subsection (d) of Section 11-501 of this Code,
15 relating to the offense of aggravated driving under the
16 influence of alcohol, other drug or drugs, or intoxicating
17 compound or compounds, or any combination thereof when the
18 violation was a proximate cause of a death, or a similar
19 out-of-state offense; and

20 (2) the prior convictions under this Section occurred
21 while the person's driver's license was suspended or
22 revoked for a violation of Section 9-3 of the Criminal
23 Code of 1961 or the Criminal Code of 2012, relating to the
24 offense of reckless homicide, or a violation of
25 subparagraph (F) of paragraph (1) of subsection (d) of
26 Section 11-501 of this Code, relating to the offense of

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof when the violation was a proximate
4 cause of a death, or a similar out-of-state offense, or
5 was suspended or revoked for a violation of Section 11-401
6 or 11-501 of this Code, a similar out-of-state offense, a
7 similar provision of a local ordinance, or a statutory
8 summary suspension or revocation under Section 11-501.1 of
9 this Code.

10 (d-4) Any person convicted of a tenth, eleventh, twelfth,
11 thirteenth, or fourteenth violation of this Section is guilty
12 of a Class 3 felony, and is not eligible for probation or
13 conditional discharge, if:

14 (1) the current violation occurred when the person's
15 driver's license was suspended or revoked for a violation
16 of Section 11-401 or 11-501 of this Code, or a similar
17 out-of-state offense, or a similar provision of a local
18 ordinance, or a statutory summary suspension or revocation
19 under Section 11-501.1 of this Code; and

20 (2) the prior convictions under this Section occurred
21 while the person's driver's license was suspended or
22 revoked for a violation of Section 11-401 or 11-501 of
23 this Code, a similar out-of-state offense, a similar
24 provision of a local ordinance, or a statutory suspension
25 or revocation under Section 11-501.1 of this Code, or for
26 a violation of Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, relating to the offense of
2 reckless homicide, or a violation of subparagraph (F) of
3 paragraph (1) of subsection (d) of Section 11-501 of this
4 Code, relating to the offense of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof when the violation was a proximate cause of a
8 death, or a similar out-of-state offense.

9 (d-5) Any person convicted of a fifteenth or subsequent
10 violation of this Section is guilty of a Class 2 felony, and is
11 not eligible for probation or conditional discharge, if:

12 (1) the current violation occurred when the person's
13 driver's license was suspended or revoked for a violation
14 of Section 11-401 or 11-501 of this Code, or a similar
15 out-of-state offense, or a similar provision of a local
16 ordinance, or a statutory summary suspension or revocation
17 under Section 11-501.1 of this Code; and

18 (2) the prior convictions under this Section occurred
19 while the person's driver's license was suspended or
20 revoked for a violation of Section 11-401 or 11-501 of
21 this Code, a similar out-of-state offense, a similar
22 provision of a local ordinance, or a statutory summary
23 suspension or revocation under Section 11-501.1 of this
24 Code, or for a violation of Section 9-3 of the Criminal
25 Code of 1961 or the Criminal Code of 2012, relating to the
26 offense of reckless homicide, or a violation of

1 subparagraph (F) of paragraph (1) of subsection (d) of
2 Section 11-501 of this Code, relating to the offense of
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof when the violation was a proximate
6 cause of a death, or a similar out-of-state offense.

7 (e) Any person in violation of this Section who is also in
8 violation of Section 7-601 of this Code relating to mandatory
9 insurance requirements, in addition to other penalties imposed
10 under this Section, shall have his or her motor vehicle
11 immediately impounded by the arresting law enforcement
12 officer. The motor vehicle may be released to any licensed
13 driver upon a showing of proof of insurance for the vehicle
14 that was impounded and the notarized written consent for the
15 release by the vehicle owner.

16 (f) For any prosecution under this Section, a certified
17 copy of the driving abstract of the defendant shall be
18 admitted as proof of any prior conviction.

19 (g) The motor vehicle used in a violation of this Section
20 is subject to seizure and forfeiture as provided in Sections
21 36-1 and 36-2 of the Criminal Code of 2012 if the person's
22 driving privilege was revoked or suspended as a result of:

23 (1) a violation of Section 11-501 of this Code, a
24 similar provision of a local ordinance, or a similar
25 provision of a law of another state;

26 (2) a violation of paragraph (b) of Section 11-401 of

1 this Code, a similar provision of a local ordinance, or a
2 similar provision of a law of another state;

3 (3) a statutory summary suspension or revocation under
4 Section 11-501.1 of this Code or a similar provision of a
5 law of another state; or

6 (4) a violation of Section 9-3 of the Criminal Code of
7 1961 or the Criminal Code of 2012 relating to the offense
8 of reckless homicide, or a violation of subparagraph (F)
9 of paragraph (1) of subsection (d) of Section 11-501 of
10 this Code, relating to the offense of aggravated driving
11 under the influence of alcohol, other drug or drugs, or
12 intoxicating compound or compounds, or any combination
13 thereof when the violation was a proximate cause of a
14 death, or a similar provision of a law of another state.

15 (Source: P.A. 100-149, eff. 1-1-18; 100-575, eff. 1-8-18;
16 100-1004, eff. 1-1-19; 101-81, eff. 7-12-19.)

17 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

18 Sec. 6-402. Qualifications of driver training schools. In
19 order to qualify for a license to operate a driver training
20 school, each applicant must:

21 (a) be of good moral character;

22 (b) be at least 21 years of age;

23 (c) maintain an established place of business open to
24 the public which meets the requirements of Section 6-403
25 through 6-407;

1 (d) maintain bodily injury and property damage
2 liability insurance on motor vehicles while used in
3 driving instruction, insuring the liability of the driving
4 school, the driving instructors and any person taking
5 instruction in at least the following amounts: \$50,000 for
6 bodily injury to or death of one person in any one crash
7 ~~accident~~ and, subject to said limit for one person,
8 \$100,000 for bodily injury to or death of 2 or more persons
9 in any one crash ~~accident~~ and the amount of \$10,000 for
10 damage to property of others in any one crash ~~accident~~.
11 Evidence of such insurance coverage in the form of a
12 certificate from the insurance carrier shall be filed with
13 the Secretary of State, and such certificate shall
14 stipulate that the insurance shall not be cancelled except
15 upon 10 days prior written notice to the Secretary of
16 State. The decal showing evidence of insurance shall be
17 affixed to the windshield of the vehicle;

18 (e) provide a continuous surety company bond in the
19 principal sum of \$10,000 for a non-accredited school,
20 \$40,000 for a CDL or teenage accredited school, \$60,000
21 for a CDL accredited and teenage accredited school,
22 \$50,000 for a CDL or teenage accredited school with 3 or
23 more licensed branches, \$70,000 for a CDL accredited and
24 teenage accredited school with 3 or more licensed branches
25 for the protection of the contractual rights of students
26 in such form as will meet with the approval of the

1 Secretary of State and written by a company authorized to
2 do business in this State. However, the aggregate
3 liability of the surety for all breaches of the condition
4 of the bond in no event shall exceed the principal sum of
5 \$10,000 for a non-accredited school, \$40,000 for a CDL or
6 teenage accredited school, \$60,000 for a CDL accredited
7 and teenage accredited school, \$50,000 for a CDL or
8 teenage accredited school with 3 or more licensed
9 branches, \$70,000 for a CDL accredited and teenage
10 accredited school with 3 or more licensed branches. The
11 surety on any such bond may cancel such bond on giving 30
12 days notice thereof in writing to the Secretary of State
13 and shall be relieved of liability for any breach of any
14 conditions of the bond which occurs after the effective
15 date of cancellation;

16 (f) have the equipment necessary to the giving of
17 proper instruction in the operation of motor vehicles;

18 (g) have and use a business telephone listing for all
19 business purposes;

20 (h) pay to the Secretary of State an application fee
21 of \$500 and \$50 for each branch application; and

22 (i) authorize an investigation to include a
23 fingerprint based background check to determine if the
24 applicant has ever been convicted of a crime and if so, the
25 disposition of those convictions. The authorization shall
26 indicate the scope of the inquiry and the agencies that

1 may be contacted. Upon this authorization, the Secretary
2 of State may request and receive information and
3 assistance from any federal, State, or local governmental
4 agency as part of the authorized investigation. Each
5 applicant shall have his or her fingerprints submitted to
6 the Illinois State Police in the form and manner
7 prescribed by the Illinois State Police. The fingerprints
8 shall be checked against the Illinois State Police and
9 Federal Bureau of Investigation criminal history record
10 information databases. The Illinois State Police shall
11 charge a fee for conducting the criminal history records
12 check, which shall be deposited in the State Police
13 Services Fund and shall not exceed the actual cost of the
14 records check. The applicant shall be required to pay all
15 related fingerprint fees including, but not limited to,
16 the amounts established by the Illinois State Police and
17 the Federal Bureau of Investigation to process fingerprint
18 based criminal background investigations. The Illinois
19 State Police shall provide information concerning any
20 criminal convictions and disposition of criminal
21 convictions brought against the applicant upon request of
22 the Secretary of State provided that the request is made
23 in the form and manner required by the Illinois State
24 Police. Unless otherwise prohibited by law, the
25 information derived from the investigation including the
26 source of the information and any conclusions or

1 recommendations derived from the information by the
2 Secretary of State shall be provided to the applicant, or
3 his designee, upon request to the Secretary of State,
4 prior to any final action by the Secretary of State on the
5 application. Any criminal convictions and disposition
6 information obtained by the Secretary of State shall be
7 confidential and may not be transmitted outside the Office
8 of the Secretary of State, except as required herein, and
9 may not be transmitted to anyone within the Office of the
10 Secretary of State except as needed for the purpose of
11 evaluating the applicant. At any administrative hearing
12 held under Section 2-118 of this Code relating to the
13 denial, cancellation, suspension, or revocation of a
14 driver training school license, the Secretary of State is
15 authorized to utilize at that hearing any criminal
16 histories, criminal convictions, and disposition
17 information obtained under this Section. The information
18 obtained from the investigation may be maintained by the
19 Secretary of State or any agency to which the information
20 was transmitted. Only information and standards, which
21 bear a reasonable and rational relation to the performance
22 of a driver training school owner, shall be used by the
23 Secretary of State. Any employee of the Secretary of State
24 who gives or causes to be given away any confidential
25 information concerning any criminal charges or disposition
26 of criminal charges of an applicant shall be guilty of a

1 Class A misdemeanor, unless release of the information is
2 authorized by this Section.

3 No license shall be issued under this Section to a person
4 who is a spouse, offspring, sibling, parent, grandparent,
5 grandchild, uncle or aunt, nephew or niece, cousin, or in-law
6 of the person whose license to do business at that location has
7 been revoked or denied or to a person who was an officer or
8 employee of a business firm that has had its license revoked or
9 denied, unless the Secretary of State is satisfied the
10 application was submitted in good faith and not for the
11 purpose or effect of defeating the intent of this Code.

12 (Source: P.A. 102-538, eff. 8-20-21.)

13 (625 ILCS 5/6-420) (from Ch. 95 1/2, par. 6-420)

14 Sec. 6-420. Denial, Cancellation, Suspension, Revocation
15 and Failure to Renew License. The Secretary may deny, cancel,
16 suspend or revoke, or refuse to renew any driver training
17 school license or any driver training instructor license:

18 (1) When the Secretary is satisfied that the licensee
19 fails to meet the requirements to receive or hold a
20 license under this Code;

21 (2) Whenever the licensee fails to keep the records
22 required by this Code;

23 (3) Whenever the licensee permits fraud or engages in
24 fraudulent practices either with reference to a student or
25 the Secretary, or induces or countenances fraud or

1 fraudulent practices on the part of any applicant for a
2 driver's license or permit;

3 (4) Whenever the licensee fails to comply with any
4 provision of this Code or any rule of the Secretary made
5 pursuant thereto;

6 (5) Whenever the licensee represents himself as an
7 agent or employee of the Secretary or uses advertising
8 designed to lead or which would reasonably have the effect
9 of leading persons to believe that such licensee is in
10 fact an employee or representative of the Secretary;

11 (6) Whenever the licensee or any employee or agent of
12 the licensee solicits driver training or instruction in an
13 office of any department of the Secretary of State having
14 to do with the administration of any law relating to motor
15 vehicles, or within 1,500 feet of any such office;

16 (7) Whenever the licensee is convicted of driving
17 while under the influence of alcohol, other drugs, or a
18 combination thereof; leaving the scene of a crash ~~an~~
19 ~~accident~~; reckless homicide or reckless driving; or

20 (8) Whenever a driver training school advertises that
21 a driver's license is guaranteed upon completion of the
22 course of instruction.

23 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10.)

24 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

25 (Text of Section before amendment by P.A. 101-652)

1 Sec. 6-500. Definitions of words and phrases.
2 Notwithstanding the definitions set forth elsewhere in this
3 Code, for purposes of the Uniform Commercial Driver's License
4 Act (UCDLA), the words and phrases listed below have the
5 meanings ascribed to them as follows:

6 (1) Alcohol. "Alcohol" means any substance containing any
7 form of alcohol, including but not limited to ethanol,
8 methanol, propanol, and isopropanol.

9 (2) Alcohol concentration. "Alcohol concentration" means:

10 (A) the number of grams of alcohol per 210 liters of
11 breath; or

12 (B) the number of grams of alcohol per 100 milliliters
13 of blood; or

14 (C) the number of grams of alcohol per 67 milliliters
15 of urine.

16 Alcohol tests administered within 2 hours of the driver
17 being "stopped or detained" shall be considered that driver's
18 "alcohol concentration" for the purposes of enforcing this
19 UCDLA.

20 (3) (Blank).

21 (4) (Blank).

22 (5) (Blank).

23 (5.3) CDLIS driver record. "CDLIS driver record" means the
24 electronic record of the individual CDL driver's status and
25 history stored by the State-of-Record as part of the
26 Commercial Driver's License Information System, or CDLIS,

1 established under 49 U.S.C. 31309.

2 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
3 record" or "CDLIS MVR" means a report generated from the CDLIS
4 driver record meeting the requirements for access to CDLIS
5 information and provided by states to users authorized in 49
6 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the
7 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

8 (5.7) Commercial driver's license downgrade. "Commercial
9 driver's license downgrade" or "CDL downgrade" means either:

10 (A) a state allows the driver to change his or her
11 self-certification to interstate, but operating
12 exclusively in transportation or operation excepted from
13 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
14 391.2, 391.68, or 398.3;

15 (B) a state allows the driver to change his or her
16 self-certification to intrastate only, if the driver
17 qualifies under that state's physical qualification
18 requirements for intrastate only;

19 (C) a state allows the driver to change his or her
20 certification to intrastate, but operating exclusively in
21 transportation or operations excepted from all or part of
22 the state driver qualification requirements; or

23 (D) a state removes the CDL privilege from the driver
24 license.

25 (6) Commercial Motor Vehicle.

26 (A) "Commercial motor vehicle" or "CMV" means a motor

1 vehicle or combination of motor vehicles used in commerce,
2 except those referred to in subdivision (B), designed to
3 transport passengers or property if the motor vehicle:

4 (i) has a gross combination weight rating or gross
5 combination weight of 11,794 kilograms or more (26,001
6 pounds or more), whichever is greater, inclusive of
7 any towed unit with a gross vehicle weight rating or
8 gross vehicle weight of more than 4,536 kilograms
9 (10,000 pounds), whichever is greater; or

10 (i-5) has a gross vehicle weight rating or gross
11 vehicle weight of 11,794 or more kilograms (26,001
12 pounds or more), whichever is greater; or

13 (ii) is designed to transport 16 or more persons,
14 including the driver; or

15 (iii) is of any size and is used in transporting
16 hazardous materials as defined in 49 C.F.R. 383.5.

17 (B) Pursuant to the interpretation of the Commercial
18 Motor Vehicle Safety Act of 1986 by the Federal Highway
19 Administration, the definition of "commercial motor
20 vehicle" does not include:

21 (i) recreational vehicles, when operated primarily
22 for personal use;

23 (ii) vehicles owned by or operated under the
24 direction of the United States Department of Defense
25 or the United States Coast Guard only when operated by
26 non-civilian personnel. This includes any operator on

1 active military duty; members of the Reserves;
2 National Guard; personnel on part-time training; and
3 National Guard military technicians (civilians who are
4 required to wear military uniforms and are subject to
5 the Code of Military Justice); or

6 (iii) firefighting, police, and other emergency
7 equipment (including, without limitation, equipment
8 owned or operated by a HazMat or technical rescue team
9 authorized by a county board under Section 5-1127 of
10 the Counties Code), with audible and visual signals,
11 owned or operated by or for a governmental entity,
12 which is necessary to the preservation of life or
13 property or the execution of emergency governmental
14 functions which are normally not subject to general
15 traffic rules and regulations.

16 (7) Controlled Substance. "Controlled substance" shall
17 have the same meaning as defined in Section 102 of the Illinois
18 Controlled Substances Act, and shall also include cannabis as
19 defined in Section 3 of the Cannabis Control Act and
20 methamphetamine as defined in Section 10 of the
21 Methamphetamine Control and Community Protection Act.

22 (8) Conviction. "Conviction" means an unvacated
23 adjudication of guilt or a determination that a person has
24 violated or failed to comply with the law in a court of
25 original jurisdiction or by an authorized administrative
26 tribunal; an unvacated forfeiture of bail or collateral

1 deposited to secure the person's appearance in court; a plea
2 of guilty or nolo contendere accepted by the court; the
3 payment of a fine or court cost regardless of whether the
4 imposition of sentence is deferred and ultimately a judgment
5 dismissing the underlying charge is entered; or a violation of
6 a condition of release without bail, regardless of whether or
7 not the penalty is rebated, suspended or probated.

8 (8.5) Day. "Day" means calendar day.

9 (9) (Blank).

10 (10) (Blank).

11 (11) (Blank).

12 (12) (Blank).

13 (13) Driver. "Driver" means any person who drives,
14 operates, or is in physical control of a commercial motor
15 vehicle, any person who is required to hold a CDL, or any
16 person who is a holder of a CDL while operating a
17 non-commercial motor vehicle.

18 (13.5) Driver applicant. "Driver applicant" means an
19 individual who applies to a state or other jurisdiction to
20 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
21 a CLP.

22 (13.8) Electronic device. "Electronic device" includes,
23 but is not limited to, a cellular telephone, personal digital
24 assistant, pager, computer, or any other device used to input,
25 write, send, receive, or read text.

26 (14) Employee. "Employee" means a person who is employed

1 as a commercial motor vehicle driver. A person who is
2 self-employed as a commercial motor vehicle driver must comply
3 with the requirements of this UCDLA pertaining to employees.
4 An owner-operator on a long-term lease shall be considered an
5 employee.

6 (15) Employer. "Employer" means a person (including the
7 United States, a State or a local authority) who owns or leases
8 a commercial motor vehicle or assigns employees to operate
9 such a vehicle. A person who is self-employed as a commercial
10 motor vehicle driver must comply with the requirements of this
11 UCDLA.

12 (15.1) Endorsement. "Endorsement" means an authorization
13 to an individual's CLP or CDL required to permit the
14 individual to operate certain types of commercial motor
15 vehicles.

16 (15.2) Entry-level driver training. "Entry-level driver
17 training" means the training an entry-level driver receives
18 from an entity listed on the Federal Motor Carrier Safety
19 Administration's Training Provider Registry prior to: (i)
20 taking the CDL skills test required to receive the Class A or
21 Class B CDL for the first time; (ii) taking the CDL skills test
22 required to upgrade to a Class A or Class B CDL; or (iii)
23 taking the CDL skills test required to obtain a passenger or
24 school bus endorsement for the first time or the CDL knowledge
25 test required to obtain a hazardous materials endorsement for
26 the first time.

1 (15.3) Excepted interstate. "Excepted interstate" means a
2 person who operates or expects to operate in interstate
3 commerce, but engages exclusively in transportation or
4 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
5 or 398.3 from all or part of the qualification requirements of
6 49 C.F.R. Part 391 and is not required to obtain a medical
7 examiner's certificate by 49 C.F.R. 391.45.

8 (15.5) Excepted intrastate. "Excepted intrastate" means a
9 person who operates in intrastate commerce but engages
10 exclusively in transportation or operations excepted from all
11 or parts of the state driver qualification requirements.

12 (16) (Blank).

13 (16.5) Fatality. "Fatality" means the death of a person as
14 a result of a motor vehicle crash ~~accident~~.

15 (16.7) Foreign commercial driver. "Foreign commercial
16 driver" means a person licensed to operate a commercial motor
17 vehicle by an authority outside the United States, or a
18 citizen of a foreign country who operates a commercial motor
19 vehicle in the United States.

20 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
21 sovereign jurisdiction that does not fall within the
22 definition of "State".

23 (18) (Blank).

24 (19) (Blank).

25 (20) Hazardous materials. "Hazardous material" means any
26 material that has been designated under 49 U.S.C. 5103 and is

1 required to be placarded under subpart F of 49 C.F.R. part 172
2 or any quantity of a material listed as a select agent or toxin
3 in 42 C.F.R. part 73.

4 (20.5) Imminent Hazard. "Imminent hazard" means the
5 existence of any condition of a vehicle, employee, or
6 commercial motor vehicle operations that substantially
7 increases the likelihood of serious injury or death if not
8 discontinued immediately; or a condition relating to hazardous
9 material that presents a substantial likelihood that death,
10 serious illness, severe personal injury, or a substantial
11 endangerment to health, property, or the environment may occur
12 before the reasonably foreseeable completion date of a formal
13 proceeding begun to lessen the risk of that death, illness,
14 injury or endangerment.

15 (20.6) Issuance. "Issuance" means initial issuance,
16 transfer, renewal, or upgrade of a CLP or CDL and
17 non-domiciled CLP or CDL.

18 (20.7) Issue. "Issue" means initial issuance, transfer,
19 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
20 non-domiciled CDL.

21 (21) Long-term lease. "Long-term lease" means a lease of a
22 commercial motor vehicle by the owner-lessor to a lessee, for
23 a period of more than 29 days.

24 (21.01) Manual transmission. "Manual transmission" means a
25 transmission utilizing a driver-operated clutch that is
26 activated by a pedal or lever and a gear-shift mechanism

1 operated either by hand or foot including those known as a
2 stick shift, stick, straight drive, or standard transmission.
3 All other transmissions, whether semi-automatic or automatic,
4 shall be considered automatic for the purposes of the
5 standardized restriction code.

6 (21.1) Medical examiner. "Medical examiner" means an
7 individual certified by the Federal Motor Carrier Safety
8 Administration and listed on the National Registry of
9 Certified Medical Examiners in accordance with Federal Motor
10 Carrier Safety Regulations, 49 CFR 390.101 et seq.

11 (21.2) Medical examiner's certificate. "Medical examiner's
12 certificate" means either (1) prior to June 22, 2021, a
13 document prescribed or approved by the Secretary of State that
14 is issued by a medical examiner to a driver to medically
15 qualify him or her to drive; or (2) beginning June 22, 2021, an
16 electronic submission of results of an examination conducted
17 by a medical examiner listed on the National Registry of
18 Certified Medical Examiners to the Federal Motor Carrier
19 Safety Administration of a driver to medically qualify him or
20 her to drive.

21 (21.5) Medical variance. "Medical variance" means a driver
22 has received one of the following from the Federal Motor
23 Carrier Safety Administration which allows the driver to be
24 issued a medical certificate: (1) an exemption letter
25 permitting operation of a commercial motor vehicle pursuant to
26 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a

1 skill performance evaluation (SPE) certificate permitting
2 operation of a commercial motor vehicle pursuant to 49 C.F.R.
3 391.49.

4 (21.7) Mobile telephone. "Mobile telephone" means a mobile
5 communication device that falls under or uses any commercial
6 mobile radio service, as defined in regulations of the Federal
7 Communications Commission, 47 CFR 20.3. It does not include
8 two-way or citizens band radio services.

9 (22) Motor Vehicle. "Motor vehicle" means every vehicle
10 which is self-propelled, and every vehicle which is propelled
11 by electric power obtained from over head trolley wires but
12 not operated upon rails, except vehicles moved solely by human
13 power and motorized wheel chairs.

14 (22.2) Motor vehicle record. "Motor vehicle record" means
15 a report of the driving status and history of a driver
16 generated from the driver record provided to users, such as
17 drivers or employers, and is subject to the provisions of the
18 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

19 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
20 combination of motor vehicles not defined by the term
21 "commercial motor vehicle" or "CMV" in this Section.

22 (22.7) Non-excepted interstate. "Non-excepted interstate"
23 means a person who operates or expects to operate in
24 interstate commerce, is subject to and meets the qualification
25 requirements under 49 C.F.R. Part 391, and is required to
26 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

1 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
2 means a person who operates only in intrastate commerce and is
3 subject to State driver qualification requirements.

4 (23) Non-domiciled CLP or Non-domiciled CDL.
5 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
6 respectively, issued by a state or other jurisdiction under
7 either of the following two conditions:

8 (i) to an individual domiciled in a foreign country
9 meeting the requirements of Part 383.23(b) (1) of 49 C.F.R.
10 of the Federal Motor Carrier Safety Administration.

11 (ii) to an individual domiciled in another state
12 meeting the requirements of Part 383.23(b) (2) of 49 C.F.R.
13 of the Federal Motor Carrier Safety Administration.

14 (24) (Blank).

15 (25) (Blank).

16 (25.5) Railroad-Highway Grade Crossing Violation.
17 "Railroad-highway grade crossing violation" means a violation,
18 while operating a commercial motor vehicle, of any of the
19 following:

20 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

21 (B) Any other similar law or local ordinance of any
22 state relating to railroad-highway grade crossing.

23 (25.7) School Bus. "School bus" means a commercial motor
24 vehicle used to transport pre-primary, primary, or secondary
25 school students from home to school, from school to home, or to
26 and from school-sponsored events. "School bus" does not

1 include a bus used as a common carrier.

2 (26) Serious Traffic Violation. "Serious traffic
3 violation" means:

4 (A) a conviction when operating a commercial motor
5 vehicle, or when operating a non-CMV while holding a CLP
6 or CDL, of:

7 (i) a violation relating to excessive speeding,
8 involving a single speeding charge of 15 miles per
9 hour or more above the legal speed limit; or

10 (ii) a violation relating to reckless driving; or

11 (iii) a violation of any State law or local
12 ordinance relating to motor vehicle traffic control
13 (other than parking violations) arising in connection
14 with a fatal traffic crash ~~accident~~; or

15 (iv) a violation of Section 6-501, relating to
16 having multiple driver's licenses; or

17 (v) a violation of paragraph (a) of Section 6-507,
18 relating to the requirement to have a valid CLP or CDL;
19 or

20 (vi) a violation relating to improper or erratic
21 traffic lane changes; or

22 (vii) a violation relating to following another
23 vehicle too closely; or

24 (viii) a violation relating to texting while
25 driving; or

26 (ix) a violation relating to the use of a

1 hand-held mobile telephone while driving; or

2 (B) any other similar violation of a law or local
3 ordinance of any state relating to motor vehicle traffic
4 control, other than a parking violation, which the
5 Secretary of State determines by administrative rule to be
6 serious.

7 (27) State. "State" means a state of the United States,
8 the District of Columbia and any province or territory of
9 Canada.

10 (28) (Blank).

11 (29) (Blank).

12 (30) (Blank).

13 (31) (Blank).

14 (32) Texting. "Texting" means manually entering
15 alphanumeric text into, or reading text from, an electronic
16 device.

17 (1) Texting includes, but is not limited to, short
18 message service, emailing, instant messaging, a command or
19 request to access a World Wide Web page, pressing more
20 than a single button to initiate or terminate a voice
21 communication using a mobile telephone, or engaging in any
22 other form of electronic text retrieval or entry for
23 present or future communication.

24 (2) Texting does not include:

25 (i) inputting, selecting, or reading information
26 on a global positioning system or navigation system;

1 or

2 (ii) pressing a single button to initiate or
3 terminate a voice communication using a mobile
4 telephone; or

5 (iii) using a device capable of performing
6 multiple functions (for example, a fleet management
7 system, dispatching device, smart phone, citizens band
8 radio, or music player) for a purpose that is not
9 otherwise prohibited by Part 392 of the Federal Motor
10 Carrier Safety Regulations.

11 (32.3) Third party skills test examiner. "Third party
12 skills test examiner" means a person employed by a third party
13 tester who is authorized by the State to administer the CDL
14 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

15 (32.5) Third party tester. "Third party tester" means a
16 person (including, but not limited to, another state, a motor
17 carrier, a private driver training facility or other private
18 institution, or a department, agency, or instrumentality of a
19 local government) authorized by the State to employ skills
20 test examiners to administer the CDL skills tests specified in
21 49 C.F.R. Part 383, subparts G and H.

22 (32.7) United States. "United States" means the 50 states
23 and the District of Columbia.

24 (33) Use a hand-held mobile telephone. "Use a hand-held
25 mobile telephone" means:

26 (1) using at least one hand to hold a mobile telephone

1 to conduct a voice communication;

2 (2) dialing or answering a mobile telephone by
3 pressing more than a single button; or

4 (3) reaching for a mobile telephone in a manner that
5 requires a driver to maneuver so that he or she is no
6 longer in a seated driving position, restrained by a seat
7 belt that is installed in accordance with 49 CFR 393.93
8 and adjusted in accordance with the vehicle manufacturer's
9 instructions.

10 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20.)

11 (Text of Section after amendment by P.A. 101-652)

12 Sec. 6-500. Definitions of words and phrases.
13 Notwithstanding the definitions set forth elsewhere in this
14 Code, for purposes of the Uniform Commercial Driver's License
15 Act (UCDLA), the words and phrases listed below have the
16 meanings ascribed to them as follows:

17 (1) Alcohol. "Alcohol" means any substance containing any
18 form of alcohol, including but not limited to ethanol,
19 methanol, propanol, and isopropanol.

20 (2) Alcohol concentration. "Alcohol concentration" means:

21 (A) the number of grams of alcohol per 210 liters of
22 breath; or

23 (B) the number of grams of alcohol per 100 milliliters
24 of blood; or

25 (C) the number of grams of alcohol per 67 milliliters

1 of urine.

2 Alcohol tests administered within 2 hours of the driver
3 being "stopped or detained" shall be considered that driver's
4 "alcohol concentration" for the purposes of enforcing this
5 UCDLA.

6 (3) (Blank).

7 (4) (Blank).

8 (5) (Blank).

9 (5.3) CDLIS driver record. "CDLIS driver record" means the
10 electronic record of the individual CDL driver's status and
11 history stored by the State-of-Record as part of the
12 Commercial Driver's License Information System, or CDLIS,
13 established under 49 U.S.C. 31309.

14 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle
15 record" or "CDLIS MVR" means a report generated from the CDLIS
16 driver record meeting the requirements for access to CDLIS
17 information and provided by states to users authorized in 49
18 C.F.R. 384.225(e)(3) and (4), subject to the provisions of the
19 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

20 (5.7) Commercial driver's license downgrade. "Commercial
21 driver's license downgrade" or "CDL downgrade" means either:

22 (A) a state allows the driver to change his or her
23 self-certification to interstate, but operating
24 exclusively in transportation or operation excepted from
25 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),
26 391.2, 391.68, or 398.3;

1 (B) a state allows the driver to change his or her
2 self-certification to intrastate only, if the driver
3 qualifies under that state's physical qualification
4 requirements for intrastate only;

5 (C) a state allows the driver to change his or her
6 certification to intrastate, but operating exclusively in
7 transportation or operations excepted from all or part of
8 the state driver qualification requirements; or

9 (D) a state removes the CDL privilege from the driver
10 license.

11 (6) Commercial Motor Vehicle.

12 (A) "Commercial motor vehicle" or "CMV" means a motor
13 vehicle or combination of motor vehicles used in commerce,
14 except those referred to in subdivision (B), designed to
15 transport passengers or property if the motor vehicle:

16 (i) has a gross combination weight rating or gross
17 combination weight of 11,794 kilograms or more (26,001
18 pounds or more), whichever is greater, inclusive of
19 any towed unit with a gross vehicle weight rating or
20 gross vehicle weight of more than 4,536 kilograms
21 (10,000 pounds), whichever is greater; or

22 (i-5) has a gross vehicle weight rating or gross
23 vehicle weight of 11,794 or more kilograms (26,001
24 pounds or more), whichever is greater; or

25 (ii) is designed to transport 16 or more persons,
26 including the driver; or

1 (iii) is of any size and is used in transporting
2 hazardous materials as defined in 49 C.F.R. 383.5.

3 (B) Pursuant to the interpretation of the Commercial
4 Motor Vehicle Safety Act of 1986 by the Federal Highway
5 Administration, the definition of "commercial motor
6 vehicle" does not include:

7 (i) recreational vehicles, when operated primarily
8 for personal use;

9 (ii) vehicles owned by or operated under the
10 direction of the United States Department of Defense
11 or the United States Coast Guard only when operated by
12 non-civilian personnel. This includes any operator on
13 active military duty; members of the Reserves;
14 National Guard; personnel on part-time training; and
15 National Guard military technicians (civilians who are
16 required to wear military uniforms and are subject to
17 the Code of Military Justice); or

18 (iii) firefighting, police, and other emergency
19 equipment (including, without limitation, equipment
20 owned or operated by a HazMat or technical rescue team
21 authorized by a county board under Section 5-1127 of
22 the Counties Code), with audible and visual signals,
23 owned or operated by or for a governmental entity,
24 which is necessary to the preservation of life or
25 property or the execution of emergency governmental
26 functions which are normally not subject to general

1 traffic rules and regulations.

2 (7) Controlled Substance. "Controlled substance" shall
3 have the same meaning as defined in Section 102 of the Illinois
4 Controlled Substances Act, and shall also include cannabis as
5 defined in Section 3 of the Cannabis Control Act and
6 methamphetamine as defined in Section 10 of the
7 Methamphetamine Control and Community Protection Act.

8 (8) Conviction. "Conviction" means an unvacated
9 adjudication of guilt or a determination that a person has
10 violated or failed to comply with the law in a court of
11 original jurisdiction or by an authorized administrative
12 tribunal; an unvacated revocation of pretrial release or
13 forfeiture of bail or collateral deposited to secure the
14 person's appearance in court; a plea of guilty or nolo
15 contendere accepted by the court; the payment of a fine or
16 court cost regardless of whether the imposition of sentence is
17 deferred and ultimately a judgment dismissing the underlying
18 charge is entered; or a violation of a condition of pretrial
19 release without bail, regardless of whether or not the penalty
20 is rebated, suspended or probated.

21 (8.5) Day. "Day" means calendar day.

22 (9) (Blank).

23 (10) (Blank).

24 (11) (Blank).

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26 (13) Driver. "Driver" means any person who drives,

1 operates, or is in physical control of a commercial motor
2 vehicle, any person who is required to hold a CDL, or any
3 person who is a holder of a CDL while operating a
4 non-commercial motor vehicle.

5 (13.5) Driver applicant. "Driver applicant" means an
6 individual who applies to a state or other jurisdiction to
7 obtain, transfer, upgrade, or renew a CDL or to obtain or renew
8 a CLP.

9 (13.8) Electronic device. "Electronic device" includes,
10 but is not limited to, a cellular telephone, personal digital
11 assistant, pager, computer, or any other device used to input,
12 write, send, receive, or read text.

13 (14) Employee. "Employee" means a person who is employed
14 as a commercial motor vehicle driver. A person who is
15 self-employed as a commercial motor vehicle driver must comply
16 with the requirements of this UCCLA pertaining to employees.
17 An owner-operator on a long-term lease shall be considered an
18 employee.

19 (15) Employer. "Employer" means a person (including the
20 United States, a State or a local authority) who owns or leases
21 a commercial motor vehicle or assigns employees to operate
22 such a vehicle. A person who is self-employed as a commercial
23 motor vehicle driver must comply with the requirements of this
24 UCCLA.

25 (15.1) Endorsement. "Endorsement" means an authorization
26 to an individual's CLP or CDL required to permit the

1 individual to operate certain types of commercial motor
2 vehicles.

3 (15.2) Entry-level driver training. "Entry-level driver
4 training" means the training an entry-level driver receives
5 from an entity listed on the Federal Motor Carrier Safety
6 Administration's Training Provider Registry prior to: (i)
7 taking the CDL skills test required to receive the Class A or
8 Class B CDL for the first time; (ii) taking the CDL skills test
9 required to upgrade to a Class A or Class B CDL; or (iii)
10 taking the CDL skills test required to obtain a passenger or
11 school bus endorsement for the first time or the CDL knowledge
12 test required to obtain a hazardous materials endorsement for
13 the first time.

14 (15.3) Excepted interstate. "Excepted interstate" means a
15 person who operates or expects to operate in interstate
16 commerce, but engages exclusively in transportation or
17 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68,
18 or 398.3 from all or part of the qualification requirements of
19 49 C.F.R. Part 391 and is not required to obtain a medical
20 examiner's certificate by 49 C.F.R. 391.45.

21 (15.5) Excepted intrastate. "Excepted intrastate" means a
22 person who operates in intrastate commerce but engages
23 exclusively in transportation or operations excepted from all
24 or parts of the state driver qualification requirements.

25 (16) (Blank).

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1 a result of a motor vehicle crash ~~accident~~.

2 (16.7) Foreign commercial driver. "Foreign commercial
3 driver" means a person licensed to operate a commercial motor
4 vehicle by an authority outside the United States, or a
5 citizen of a foreign country who operates a commercial motor
6 vehicle in the United States.

7 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
8 sovereign jurisdiction that does not fall within the
9 definition of "State".

10 (18) (Blank).

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12 (20) Hazardous materials. "Hazardous material" means any
13 material that has been designated under 49 U.S.C. 5103 and is
14 required to be placarded under subpart F of 49 C.F.R. part 172
15 or any quantity of a material listed as a select agent or toxin
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17 (20.5) Imminent Hazard. "Imminent hazard" means the
18 existence of any condition of a vehicle, employee, or
19 commercial motor vehicle operations that substantially
20 increases the likelihood of serious injury or death if not
21 discontinued immediately; or a condition relating to hazardous
22 material that presents a substantial likelihood that death,
23 serious illness, severe personal injury, or a substantial
24 endangerment to health, property, or the environment may occur
25 before the reasonably foreseeable completion date of a formal
26 proceeding begun to lessen the risk of that death, illness,

1 injury or endangerment.

2 (20.6) Issuance. "Issuance" means initial issuance,
3 transfer, renewal, or upgrade of a CLP or CDL and
4 non-domiciled CLP or CDL.

5 (20.7) Issue. "Issue" means initial issuance, transfer,
6 renewal, or upgrade of a CLP or CDL and non-domiciled CLP or
7 non-domiciled CDL.

8 (21) Long-term lease. "Long-term lease" means a lease of a
9 commercial motor vehicle by the owner-lessor to a lessee, for
10 a period of more than 29 days.

11 (21.01) Manual transmission. "Manual transmission" means a
12 transmission utilizing a driver-operated clutch that is
13 activated by a pedal or lever and a gear-shift mechanism
14 operated either by hand or foot including those known as a
15 stick shift, stick, straight drive, or standard transmission.
16 All other transmissions, whether semi-automatic or automatic,
17 shall be considered automatic for the purposes of the
18 standardized restriction code.

19 (21.1) Medical examiner. "Medical examiner" means an
20 individual certified by the Federal Motor Carrier Safety
21 Administration and listed on the National Registry of
22 Certified Medical Examiners in accordance with Federal Motor
23 Carrier Safety Regulations, 49 CFR 390.101 et seq.

24 (21.2) Medical examiner's certificate. "Medical examiner's
25 certificate" means either (1) prior to June 22, 2021, a
26 document prescribed or approved by the Secretary of State that

1 is issued by a medical examiner to a driver to medically
2 qualify him or her to drive; or (2) beginning June 22, 2021, an
3 electronic submission of results of an examination conducted
4 by a medical examiner listed on the National Registry of
5 Certified Medical Examiners to the Federal Motor Carrier
6 Safety Administration of a driver to medically qualify him or
7 her to drive.

8 (21.5) Medical variance. "Medical variance" means a driver
9 has received one of the following from the Federal Motor
10 Carrier Safety Administration which allows the driver to be
11 issued a medical certificate: (1) an exemption letter
12 permitting operation of a commercial motor vehicle pursuant to
13 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a
14 skill performance evaluation (SPE) certificate permitting
15 operation of a commercial motor vehicle pursuant to 49 C.F.R.
16 391.49.

17 (21.7) Mobile telephone. "Mobile telephone" means a mobile
18 communication device that falls under or uses any commercial
19 mobile radio service, as defined in regulations of the Federal
20 Communications Commission, 47 CFR 20.3. It does not include
21 two-way or citizens band radio services.

22 (22) Motor Vehicle. "Motor vehicle" means every vehicle
23 which is self-propelled, and every vehicle which is propelled
24 by electric power obtained from over head trolley wires but
25 not operated upon rails, except vehicles moved solely by human
26 power and motorized wheel chairs.

1 (22.2) Motor vehicle record. "Motor vehicle record" means
2 a report of the driving status and history of a driver
3 generated from the driver record provided to users, such as
4 drivers or employers, and is subject to the provisions of the
5 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

6 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
7 combination of motor vehicles not defined by the term
8 "commercial motor vehicle" or "CMV" in this Section.

9 (22.7) Non-excepted interstate. "Non-excepted interstate"
10 means a person who operates or expects to operate in
11 interstate commerce, is subject to and meets the qualification
12 requirements under 49 C.F.R. Part 391, and is required to
13 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

14 (22.8) Non-excepted intrastate. "Non-excepted intrastate"
15 means a person who operates only in intrastate commerce and is
16 subject to State driver qualification requirements.

17 (23) Non-domiciled CLP or Non-domiciled CDL.
18 "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL,
19 respectively, issued by a state or other jurisdiction under
20 either of the following two conditions:

21 (i) to an individual domiciled in a foreign country
22 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
23 of the Federal Motor Carrier Safety Administration.

24 (ii) to an individual domiciled in another state
25 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
26 of the Federal Motor Carrier Safety Administration.

1 (24) (Blank).

2 (25) (Blank).

3 (25.5) Railroad-Highway Grade Crossing Violation.

4 "Railroad-highway grade crossing violation" means a violation,
5 while operating a commercial motor vehicle, of any of the
6 following:

7 (A) Section 11-1201, 11-1202, or 11-1425 of this Code.

8 (B) Any other similar law or local ordinance of any
9 state relating to railroad-highway grade crossing.

10 (25.7) School Bus. "School bus" means a commercial motor
11 vehicle used to transport pre-primary, primary, or secondary
12 school students from home to school, from school to home, or to
13 and from school-sponsored events. "School bus" does not
14 include a bus used as a common carrier.

15 (26) Serious Traffic Violation. "Serious traffic
16 violation" means:

17 (A) a conviction when operating a commercial motor
18 vehicle, or when operating a non-CMV while holding a CLP
19 or CDL, of:

20 (i) a violation relating to excessive speeding,
21 involving a single speeding charge of 15 miles per
22 hour or more above the legal speed limit; or

23 (ii) a violation relating to reckless driving; or

24 (iii) a violation of any State law or local
25 ordinance relating to motor vehicle traffic control
26 (other than parking violations) arising in connection

1 with a fatal traffic crash ~~accident~~; or

2 (iv) a violation of Section 6-501, relating to
3 having multiple driver's licenses; or

4 (v) a violation of paragraph (a) of Section 6-507,
5 relating to the requirement to have a valid CLP or CDL;
6 or

7 (vi) a violation relating to improper or erratic
8 traffic lane changes; or

9 (vii) a violation relating to following another
10 vehicle too closely; or

11 (viii) a violation relating to texting while
12 driving; or

13 (ix) a violation relating to the use of a
14 hand-held mobile telephone while driving; or

15 (B) any other similar violation of a law or local
16 ordinance of any state relating to motor vehicle traffic
17 control, other than a parking violation, which the
18 Secretary of State determines by administrative rule to be
19 serious.

20 (27) State. "State" means a state of the United States,
21 the District of Columbia and any province or territory of
22 Canada.

23 (28) (Blank).

24 (29) (Blank).

25 (30) (Blank).

26 (31) (Blank).

1 (32) Texting. "Texting" means manually entering
2 alphanumeric text into, or reading text from, an electronic
3 device.

4 (1) Texting includes, but is not limited to, short
5 message service, emailing, instant messaging, a command or
6 request to access a World Wide Web page, pressing more
7 than a single button to initiate or terminate a voice
8 communication using a mobile telephone, or engaging in any
9 other form of electronic text retrieval or entry for
10 present or future communication.

11 (2) Texting does not include:

12 (i) inputting, selecting, or reading information
13 on a global positioning system or navigation system;
14 or

15 (ii) pressing a single button to initiate or
16 terminate a voice communication using a mobile
17 telephone; or

18 (iii) using a device capable of performing
19 multiple functions (for example, a fleet management
20 system, dispatching device, smart phone, citizens band
21 radio, or music player) for a purpose that is not
22 otherwise prohibited by Part 392 of the Federal Motor
23 Carrier Safety Regulations.

24 (32.3) Third party skills test examiner. "Third party
25 skills test examiner" means a person employed by a third party
26 tester who is authorized by the State to administer the CDL

1 skills tests specified in 49 C.F.R. Part 383, subparts G and H.

2 (32.5) Third party tester. "Third party tester" means a
3 person (including, but not limited to, another state, a motor
4 carrier, a private driver training facility or other private
5 institution, or a department, agency, or instrumentality of a
6 local government) authorized by the State to employ skills
7 test examiners to administer the CDL skills tests specified in
8 49 C.F.R. Part 383, subparts G and H.

9 (32.7) United States. "United States" means the 50 states
10 and the District of Columbia.

11 (33) Use a hand-held mobile telephone. "Use a hand-held
12 mobile telephone" means:

13 (1) using at least one hand to hold a mobile telephone
14 to conduct a voice communication;

15 (2) dialing or answering a mobile telephone by
16 pressing more than a single button; or

17 (3) reaching for a mobile telephone in a manner that
18 requires a driver to maneuver so that he or she is no
19 longer in a seated driving position, restrained by a seat
20 belt that is installed in accordance with 49 CFR 393.93
21 and adjusted in accordance with the vehicle manufacturer's
22 instructions.

23 (Source: P.A. 100-223, eff. 8-18-17; 101-185, eff. 1-1-20;
24 101-652, eff. 1-1-23.)

25 (625 ILCS 5/6-500.2) (from Ch. 95 1/2, par. 6-500.2)

1 Sec. 6-500.2. Statement of intent and purpose. The purpose
2 of this UCCLA is to implement the federal Commercial Motor
3 Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law
4 99-570) and reduce or prevent commercial motor vehicle crashes
5 ~~accidents~~, fatalities and injuries by:

6 (a) permitting commercial drivers to hold only one
7 driver's license;

8 (b) disqualifying commercial drivers who have committed
9 certain serious traffic violations, or other specified
10 offenses; and

11 (c) strengthening commercial driver licensing and testing
12 standards.

13 This UCCLA is remedial in nature and should be liberally
14 construed to promote the public's health, safety and welfare.
15 To the extent that this UCCLA conflicts with any other
16 provisions of this Code, the UCCLA shall prevail. Where this
17 UCCLA is silent, the other general provisions of this Code
18 shall apply.

19 (Source: P.A. 86-845.)

20 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

21 Sec. 6-514. Commercial driver's license (CDL); commercial
22 learner's permit (CLP); disqualifications.

23 (a) A person shall be disqualified from driving a
24 commercial motor vehicle for a period of not less than 12
25 months for the first violation of:

1 (1) Refusing to submit to or failure to complete a
2 test or tests to determine the driver's blood
3 concentration of alcohol, other drug, or both while
4 driving a commercial motor vehicle or, if the driver is a
5 CLP or CDL holder, while driving a non-CMV; or

6 (2) Operating a commercial motor vehicle while the
7 alcohol concentration of the person's blood, breath, other
8 bodily substance, or urine is at least 0.04, or any amount
9 of a drug, substance, or compound in the person's blood,
10 other bodily substance, or urine resulting from the
11 unlawful use or consumption of cannabis listed in the
12 Cannabis Control Act, a controlled substance listed in the
13 Illinois Controlled Substances Act, or methamphetamine as
14 listed in the Methamphetamine Control and Community
15 Protection Act as indicated by a police officer's sworn
16 report or other verified evidence; or operating a
17 non-commercial motor vehicle while the alcohol
18 concentration of the person's blood, breath, other bodily
19 substance, or urine was above the legal limit defined in
20 Section 11-501.1 or 11-501.8 or any amount of a drug,
21 substance, or compound in the person's blood, other bodily
22 substance, or urine resulting from the unlawful use or
23 consumption of cannabis listed in the Cannabis Control
24 Act, a controlled substance listed in the Illinois
25 Controlled Substances Act, or methamphetamine as listed in
26 the Methamphetamine Control and Community Protection Act

1 as indicated by a police officer's sworn report or other
2 verified evidence while holding a CLP or CDL; or

3 (3) Conviction for a first violation of:

4 (i) Driving a commercial motor vehicle or, if the
5 driver is a CLP or CDL holder, driving a non-CMV while
6 under the influence of alcohol, or any other drug, or
7 combination of drugs to a degree which renders such
8 person incapable of safely driving; or

9 (ii) Knowingly leaving the scene of a crash ~~an~~
10 ~~accident~~ while operating a commercial motor vehicle
11 or, if the driver is a CLP or CDL holder, while driving
12 a non-CMV; or

13 (iii) Driving a commercial motor vehicle or, if
14 the driver is a CLP or CDL holder, driving a non-CMV
15 while committing any felony; or

16 (iv) Driving a commercial motor vehicle while the
17 person's driving privileges or driver's license or
18 permit is revoked, suspended, or cancelled or the
19 driver is disqualified from operating a commercial
20 motor vehicle; or

21 (v) Causing a fatality through the negligent
22 operation of a commercial motor vehicle, including but
23 not limited to the crimes of motor vehicle
24 manslaughter, homicide by a motor vehicle, and
25 negligent homicide.

26 As used in this subdivision (a) (3) (v), "motor

1 vehicle manslaughter" means the offense of involuntary
2 manslaughter if committed by means of a vehicle;
3 "homicide by a motor vehicle" means the offense of
4 first degree murder or second degree murder, if either
5 offense is committed by means of a vehicle; and
6 "negligent homicide" means reckless homicide under
7 Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 and aggravated driving under the
9 influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds, or any combination
11 thereof under subdivision (d)(1)(F) of Section 11-501
12 of this Code.

13 If any of the above violations or refusals occurred
14 while transporting hazardous material(s) required to be
15 placarded, the person shall be disqualified for a period
16 of not less than 3 years; or

17 (4) (Blank).

18 (b) A person is disqualified for life for a second
19 conviction of any of the offenses specified in paragraph (a),
20 or any combination of those offenses, arising from 2 or more
21 separate incidents.

22 (c) A person is disqualified from driving a commercial
23 motor vehicle for life if the person either (i) uses a
24 commercial motor vehicle in the commission of any felony
25 involving the manufacture, distribution, or dispensing of a
26 controlled substance, or possession with intent to

1 manufacture, distribute or dispense a controlled substance or
2 (ii) if the person is a CLP or CDL holder, uses a non-CMV in
3 the commission of a felony involving any of those activities.

4 (d) The Secretary of State may, when the United States
5 Secretary of Transportation so authorizes, issue regulations
6 in which a disqualification for life under paragraph (b) may
7 be reduced to a period of not less than 10 years. If a
8 reinstated driver is subsequently convicted of another
9 disqualifying offense, as specified in subsection (a) of this
10 Section, he or she shall be permanently disqualified for life
11 and shall be ineligible to again apply for a reduction of the
12 lifetime disqualification.

13 (e) A person is disqualified from driving a commercial
14 motor vehicle for a period of not less than 2 months if
15 convicted of 2 serious traffic violations, committed in a
16 commercial motor vehicle, non-CMV while holding a CLP or CDL,
17 or any combination thereof, arising from separate incidents,
18 occurring within a 3 year period, provided the serious traffic
19 violation committed in a non-CMV would result in the
20 suspension or revocation of the CLP or CDL holder's non-CMV
21 privileges. However, a person will be disqualified from
22 driving a commercial motor vehicle for a period of not less
23 than 4 months if convicted of 3 serious traffic violations,
24 committed in a commercial motor vehicle, non-CMV while holding
25 a CLP or CDL, or any combination thereof, arising from
26 separate incidents, occurring within a 3 year period, provided

1 the serious traffic violation committed in a non-CMV would
2 result in the suspension or revocation of the CLP or CDL
3 holder's non-CMV privileges. If all the convictions occurred
4 in a non-CMV, the disqualification shall be entered only if
5 the convictions would result in the suspension or revocation
6 of the CLP or CDL holder's non-CMV privileges.

7 (e-1) (Blank).

8 (f) Notwithstanding any other provision of this Code, any
9 driver disqualified from operating a commercial motor vehicle,
10 pursuant to this UCCLA, shall not be eligible for restoration
11 of commercial driving privileges during any such period of
12 disqualification.

13 (g) After suspending, revoking, or cancelling a CLP or
14 CDL, the Secretary of State must update the driver's records
15 to reflect such action within 10 days. After suspending or
16 revoking the driving privilege of any person who has been
17 issued a CLP or CDL from another jurisdiction, the Secretary
18 shall originate notification to such issuing jurisdiction
19 within 10 days.

20 (h) The "disqualifications" referred to in this Section
21 shall not be imposed upon any commercial motor vehicle driver,
22 by the Secretary of State, unless the prohibited action(s)
23 occurred after March 31, 1992.

24 (i) A person is disqualified from driving a commercial
25 motor vehicle in accordance with the following:

26 (1) For 6 months upon a first conviction of paragraph

1 (2) of subsection (b) or subsection (b-3) of Section 6-507
2 of this Code.

3 (2) For 2 years upon a second conviction of paragraph
4 (2) of subsection (b) or subsection (b-3) or any
5 combination of paragraphs (2) or (3) of subsection (b) or
6 subsections (b-3) or (b-5) of Section 6-507 of this Code
7 within a 10-year period if the second conviction is a
8 violation of paragraph (2) of subsection (b) or subsection
9 (b-3).

10 (3) For 3 years upon a third or subsequent conviction
11 of paragraph (2) of subsection (b) or subsection (b-3) or
12 any combination of paragraphs (2) or (3) of subsection (b)
13 or subsections (b-3) or (b-5) of Section 6-507 of this
14 Code within a 10-year period if the third or subsequent
15 conviction is a violation of paragraph (2) of subsection
16 (b) or subsection (b-3).

17 (4) For one year upon a first conviction of paragraph
18 (3) of subsection (b) or subsection (b-5) of Section 6-507
19 of this Code.

20 (5) For 3 years upon a second conviction of paragraph
21 (3) of subsection (b) or subsection (b-5) or any
22 combination of paragraphs (2) or (3) of subsection (b) or
23 subsections (b-3) or (b-5) of Section 6-507 of this Code
24 within a 10-year period if the second conviction is a
25 violation of paragraph (3) of subsection (b) or (b-5).

26 (6) For 5 years upon a third or subsequent conviction

1 of paragraph (3) of subsection (b) or subsection (b-5) or
2 any combination of paragraphs (2) or (3) of subsection (b)
3 or subsections (b-3) or (b-5) of Section 6-507 of this
4 Code within a 10-year period if the third or subsequent
5 conviction is a violation of paragraph (3) of subsection
6 (b) or (b-5).

7 (j) Disqualification for railroad-highway grade crossing
8 violation.

9 (1) General rule. A driver who is convicted of a
10 violation of a federal, State, or local law or regulation
11 pertaining to one of the following 6 offenses at a
12 railroad-highway grade crossing must be disqualified from
13 operating a commercial motor vehicle for the period of
14 time specified in paragraph (2) of this subsection (j) if
15 the offense was committed while operating a commercial
16 motor vehicle:

17 (i) For drivers who are not required to always
18 stop, failing to slow down and check that the tracks
19 are clear of an approaching train or railroad track
20 equipment, as described in subsection (a-5) of Section
21 11-1201 of this Code;

22 (ii) For drivers who are not required to always
23 stop, failing to stop before reaching the crossing, if
24 the tracks are not clear, as described in subsection
25 (a) of Section 11-1201 of this Code;

26 (iii) For drivers who are always required to stop,

1 failing to stop before driving onto the crossing, as
2 described in Section 11-1202 of this Code;

3 (iv) For all drivers, failing to have sufficient
4 space to drive completely through the crossing without
5 stopping, as described in subsection (b) of Section
6 11-1425 of this Code;

7 (v) For all drivers, failing to obey a traffic
8 control device or the directions of an enforcement
9 official at the crossing, as described in subdivision
10 (a)2 of Section 11-1201 of this Code;

11 (vi) For all drivers, failing to negotiate a
12 crossing because of insufficient undercarriage
13 clearance, as described in subsection (d-1) of Section
14 11-1201 of this Code.

15 (2) Duration of disqualification for railroad-highway
16 grade crossing violation.

17 (i) First violation. A driver must be disqualified
18 from operating a commercial motor vehicle for not less
19 than 60 days if the driver is convicted of a violation
20 described in paragraph (1) of this subsection (j) and,
21 in the three-year period preceding the conviction, the
22 driver had no convictions for a violation described in
23 paragraph (1) of this subsection (j).

24 (ii) Second violation. A driver must be
25 disqualified from operating a commercial motor vehicle
26 for not less than 120 days if the driver is convicted

1 of a violation described in paragraph (1) of this
2 subsection (j) and, in the three-year period preceding
3 the conviction, the driver had one other conviction
4 for a violation described in paragraph (1) of this
5 subsection (j) that was committed in a separate
6 incident.

7 (iii) Third or subsequent violation. A driver must
8 be disqualified from operating a commercial motor
9 vehicle for not less than one year if the driver is
10 convicted of a violation described in paragraph (1) of
11 this subsection (j) and, in the three-year period
12 preceding the conviction, the driver had 2 or more
13 other convictions for violations described in
14 paragraph (1) of this subsection (j) that were
15 committed in separate incidents.

16 (k) Upon notification of a disqualification of a driver's
17 commercial motor vehicle privileges imposed by the U.S.
18 Department of Transportation, Federal Motor Carrier Safety
19 Administration, in accordance with 49 C.F.R. 383.52, the
20 Secretary of State shall immediately record to the driving
21 record the notice of disqualification and confirm to the
22 driver the action that has been taken.

23 (l) A foreign commercial driver is subject to
24 disqualification under this Section.

25 (Source: P.A. 98-122, eff. 1-1-14; 98-176 (see Section 10 of
26 P.A. 98-722 and Section 10 of P.A. 99-414 for the effective

1 date of changes made by P.A. 98-176); 98-722, eff. 7-16-14;
2 98-756, eff. 7-16-14; 98-1172, eff. 1-12-15; 99-697, eff.
3 7-29-16.)

4 (625 ILCS 5/6-516) (from Ch. 95 1/2, par. 6-516)

5 Sec. 6-516. Implied consent requirements for commercial
6 motor vehicle drivers.

7 (a) Effective April 1, 1992, any person who drives a
8 commercial motor vehicle upon the highways is hereby deemed to
9 have given consent to submit to a test or tests, subject to the
10 provisions of Section 11-501.2 of this Code, of such person's
11 breath, blood or urine for the purpose of determining the
12 presence of alcohol, or other drugs, in such person's system.

13 (b) A test or tests may be administered at the direction of
14 a law enforcement officer, who after stopping or detaining the
15 commercial motor vehicle driver, has probable cause to believe
16 that driver was driving a commercial motor vehicle while
17 having alcohol or any amount of a drug, substance, or compound
18 resulting from the unlawful use or consumption of cannabis
19 listed in the Cannabis Control Act, a controlled substance
20 listed in the Illinois Controlled Substances Act, or
21 methamphetamine as listed in the Methamphetamine Control and
22 Community Protection Act in such driver's system.

23 (c) Effective April 1, 1992, any person who operates a
24 school bus at the time of a crash ~~an accident~~ involving the
25 school bus is hereby deemed to have given consent to submit to

1 a test or tests to be administered at the direction of a law
2 enforcement officer, subject to the provisions of Section
3 11-501.2 of this Code, of the driver's breath, blood or urine
4 for the purpose of determining the presence of alcohol, or
5 other drugs, in the person's system.

6 (Source: P.A. 95-355, eff. 1-1-08.)

7 (625 ILCS 5/6-703) (from Ch. 95 1/2, par. 6-703)

8 Sec. 6-703. Effect of Conviction.

9 (a) The licensing authority in the home state, for the
10 purposes of suspension, revocation or limitation of the
11 license to operate a motor vehicle, shall give the same effect
12 to the conduct reported, pursuant to Section 6-702, as it
13 would if such conduct had occurred in the home state, in the
14 case of convictions for:

15 1. Manslaughter or negligent homicide resulting from the
16 operation of a motor vehicle;

17 2. Driving a motor vehicle while under the influence of
18 intoxicating liquor or a narcotic drug, or under the influence
19 of any other drug to a degree which renders the driver
20 incapable of safely driving a motor vehicle;

21 3. Any felony in the commission of which a motor vehicle is
22 used;

23 4. Failure to stop and render aid in the event of a motor
24 vehicle crash ~~accident~~ resulting in the death or personal
25 injury of another.

1 (b) As to other convictions, reported pursuant to Section
2 6-702, the licensing authority in the home state shall give
3 such effect to the conduct as is provided by the laws of the
4 home state.

5 (c) If the laws of a party state do not provide for
6 offenses or violations denominated or described in precisely
7 the words employed in paragraph (a) of this Section, such
8 party state shall construe the denominations and descriptions
9 appearing in paragraph (a) hereof as being applicable to and
10 identifying those offenses or violations of a substantially
11 similar nature, and the laws of such party state shall contain
12 such provision as may be necessary to ensure that full force
13 and effect is given to this Section.

14 (Source: P.A. 76-1615.)

15 (625 ILCS 5/6-1002)

16 Sec. 6-1002. Enhanced skills driving school
17 qualifications. In order to qualify for a license to operate
18 an enhanced skills driving school, each applicant must:

19 (1) Be of good moral character;

20 (2) Be at least 21 years of age;

21 (3) Maintain bodily injury and property damage
22 liability insurance on motor vehicles while used in
23 driving instruction, insuring the liability of the driving
24 school, the driving instructors and any person taking
25 instruction in at least the following amounts: \$500,000

1 for bodily injury to or death of one person in any one
2 crash ~~accident~~ and, subject to said limit for one person,
3 \$1,000,000 for bodily injury to or death of 2 or more
4 persons in any one crash ~~accident~~ and the amount of
5 \$100,000 for damage to property of others in any one crash
6 ~~accident~~. Evidence of such insurance coverage in the form
7 of a certificate from the insurance carrier shall be filed
8 with the Secretary of State, and such certificate shall
9 stipulate that the insurance shall not be cancelled except
10 upon 10 days' prior written notice to the Secretary of
11 State;

12 (4) Have the equipment necessary to the giving of
13 proper instruction in the operation of motor vehicles; and

14 (5) Pay to the Secretary of State an application fee
15 of \$500 and \$50 for each branch application.

16 (Source: P.A. 96-740, eff. 1-1-10.)

17 (625 ILCS 5/6-1004)

18 Sec. 6-1004. Qualifications of enhanced skills driving
19 school instructors. In order to qualify for a license as an
20 instructor for an enhanced skills driving school, an applicant
21 must:

22 (1) Be of good moral character;

23 (2) Have never been convicted of driving while under
24 the influence of alcohol, other drugs, or a combination
25 thereof; leaving the scene of a crash ~~an accident~~;

1 reckless homicide or reckless driving;

2 (3) Be physically able to operate safely a motor
3 vehicle and to train others in the operation of motor
4 vehicles;

5 (4) Hold a valid drivers license; and

6 (5) Pay to the Secretary of State an application and
7 license fee of \$70.

8 (Source: P.A. 96-740, eff. 1-1-10.)

9 (625 ILCS 5/6-1009)

10 Sec. 6-1009. Denial, cancellation, suspension, revocation,
11 and failure to renew license. The Secretary may deny, cancel,
12 suspend or revoke, or refuse to renew any enhanced skills
13 driving school license or any enhanced skills driving school
14 instructor license:

15 (1) When the Secretary is satisfied that the licensee
16 fails to meet the requirements to receive or hold a
17 license under this Code;

18 (2) Whenever the licensee fails to keep records
19 required by this Code or by any rule prescribed by the
20 Secretary;

21 (3) Whenever the licensee fails to comply with any
22 provision of this Code or any rule of the Secretary made
23 pursuant thereto;

24 (4) Whenever the licensee represents himself or
25 herself as an agent or employee of the Secretary or uses

1 advertising designed to lead or which would reasonably
2 have the effect of leading persons to believe that such
3 licensee is in fact an employee or representative of the
4 Secretary;

5 (5) Whenever the licensee or any employee or agent of
6 the licensee solicits driver training or instruction in an
7 office of any department of the Secretary of State having
8 to do with the administration of any law relating to motor
9 vehicles, or within 1,500 feet of any such office; or

10 (6) Whenever the licensee is convicted of driving
11 while under the influence of alcohol, other drugs, or a
12 combination thereof; leaving the scene of a crash ~~an~~
13 ~~accident~~; reckless homicide or reckless driving.

14 (Source: P.A. 96-740, eff. 1-1-10.)

15 (625 ILCS 5/Ch. 7 Art. II heading)

16 ARTICLE II. SECURITY FOLLOWING CRASH ~~ACCIDENT~~

17 (625 ILCS 5/7-201) (from Ch. 95 1/2, par. 7-201)

18 Sec. 7-201. Application of Article II. The Administrator
19 as soon as practicable after the receipt of the report,
20 required to be filed under Sections 11-406 and 11-410, of a
21 motor vehicle crash ~~accident~~ occurring within this State and
22 that has resulted in bodily injury or death of any person or
23 that damage to the property of any one person in excess of
24 \$1,500 (or \$500 if any of the vehicles involved in the crash

1 ~~accident~~ is subject to Section 7-601 but is not covered by a
2 liability insurance policy in accordance with Section 7-601)
3 was sustained, shall determine:

4 1. Whether Section 7-202 of this Code requires the
5 deposit of security by or on behalf of any person who was
6 the operator or owner of any motor vehicle in any manner
7 involved in the crash ~~accident~~; and

8 2. What amount of security shall be sufficient to
9 satisfy any potential judgment or judgments for money
10 damages resulting from the crash ~~accident~~ as may be
11 recovered against the operator or owner, which amount
12 shall in no event be less than \$1,500 (or \$500 if any of
13 the vehicles involved in the crash ~~accident~~ is subject to
14 Section 7-601 but is not covered by a liability insurance
15 policy in accordance with Section 7-601).

16 (Source: P.A. 95-754, eff. 1-1-09.)

17 (625 ILCS 5/7-201.1) (from Ch. 95 1/2, par. 7-201.1)

18 Sec. 7-201.1. If the Administrator has not received a
19 report required to be filed under Sections 11-406 and 11-410,
20 or if the information contained in a report is insufficient,
21 the Administrator shall send to the person required to file
22 the report a written request for the missing report or the
23 missing information. The Administrator shall send such request
24 no later than 45 days after the crash ~~accident~~ or 7 days after
25 receiving information that such crash ~~accident~~ has occurred,

1 whichever is later.

2 If the request is sent to a driver involved in a crash ~~an~~
3 ~~accident~~, the request or an attachment thereto shall contain
4 in bold print a warning that failure to comply with the request
5 within 15 days may result in the suspension of the driver's
6 license.

7 (Source: P.A. 84-797.)

8 (625 ILCS 5/7-201.2) (from Ch. 95 1/2, par. 7-201.2)

9 Sec. 7-201.2. The Administrator, within 30 days after
10 compiling sufficient information on a motor vehicle crash
11 ~~accident~~, shall certify to the Secretary of State the name of
12 each owner and the name of each operator of any vehicle
13 involved in the crash ~~accident~~, his determination that
14 security is required under this Code, and the amount of the
15 security. The Administrator also shall supply to the Secretary
16 of State a copy of any crash ~~accident~~ report requested by the
17 Secretary.

18 The Administrator shall send a copy of the certification
19 to each person whose name is certified. The copy, or an
20 attachment thereto, shall contain in bold print an explanation
21 that, because the person did not furnish the Department of
22 Transportation with evidence that he or she is insured or
23 otherwise able to pay for damages resulting from the crash
24 ~~accident~~, the person's name has been forwarded to the
25 Secretary of State for possible suspension of his or her

1 driver's license.

2 (Source: P.A. 84-797.)

3 (625 ILCS 5/7-202) (from Ch. 95 1/2, par. 7-202)

4 Sec. 7-202. Exceptions to requirements of security. (a)
5 The requirements as to security and suspension as provided by
6 Sections 7-201 and 7-205 shall not apply:

7 1. To the driver or owner if such owner had in effect at
8 the time of such motor vehicle crash ~~accident~~ a liability
9 policy covering such driver and owner with respect to the
10 vehicle involved in such motor vehicle crash ~~accident~~;

11 2. To the driver, if not the owner of such vehicle, if
12 there was in effect at the time of such motor vehicle crash
13 ~~accident~~ a liability policy or bond with respect to the
14 operation of motor vehicles not owned by the driver;

15 3. To the driver or owner if the liability of such driver
16 or owner for damages resulting from such motor vehicle crash
17 ~~accident~~ is covered by any other form of liability insurance
18 policy or bond;

19 4. To the driver or owner, if such owner is qualified as a
20 self-insurer as provided in Section 7-502;

21 5. To the owner if such owner at the time of such motor
22 vehicle crash ~~accident~~ was in compliance with Section 8-101 or
23 Section 9-101;

24 6. To the driver or owner if such owner at the time of such
25 motor vehicle crash ~~accident~~ was in compliance with the

1 Federal Revised Interstate Commerce Act (P.L. 95-473), as now
2 or hereafter amended;

3 7. To the owner if the vehicle involved in such motor
4 vehicle crash ~~accident~~ was owned by the United States, this
5 State or any political sub-division of this State, any
6 municipality therein, or any local Mass Transit District;

7 8. To the driver or the owner of a vehicle involved in a
8 motor vehicle crash ~~accident~~ wherein no injury or damage was
9 caused to the person or property of any one other than such
10 driver or owner;

11 9. To the driver or the owner of a vehicle which at the
12 time of the motor vehicle crash ~~accident~~ was parked, unless
13 such vehicle was parked at a place where parking was at the
14 time of the crash ~~accident~~ prohibited under any applicable law
15 or ordinance;

16 10. To the owner of a vehicle if at the time of the motor
17 vehicle crash ~~accident~~ the vehicle was being operated without
18 his permission, express or implied, or was parked by a person
19 who had been operating such motor vehicle without such
20 permission;

21 11. To the driver, if not the owner, of a commercial motor
22 vehicle on which there was no liability policy or bond with
23 respect to the operation of such vehicle in effect at the time
24 of the motor vehicle crash ~~accident~~ when the driver was
25 operating the vehicle in the course of the driver's employment
26 and had no actual knowledge of such lack of a liability policy

1 or bond prior to the motor vehicle crash ~~accident~~.

2 (b) If at the time of the motor vehicle crash ~~accident~~, an
3 owner or driver is covered by a motor vehicle liability policy
4 or bond meeting the requirements of this Code, such owner or
5 driver shall be exempt from suspension under Section 7-205 as
6 to that motor vehicle crash ~~accident~~, if the company issuing
7 the policy or bond has failed, and such policy or bond was not
8 effective at the time of the motor vehicle crash ~~accident~~ or
9 any time thereafter, provided, that the owner or driver had no
10 knowledge of the company's failure prior to the motor vehicle
11 crash ~~accident~~, and such owner or driver has secured within 30
12 days after learning of such failure another liability policy
13 or bond meeting the requirements of the Code relating to
14 future occurrences or motor vehicle crashes ~~accidents~~.

15 As used in this paragraph, the words "failed" or "failure"
16 mean that the company has suspended operations by order of a
17 court.

18 (Source: P.A. 85-293.)

19 (625 ILCS 5/7-203) (from Ch. 95 1/2, par. 7-203)

20 Sec. 7-203. Requirements as to policy or bond. No such
21 policy or bond referred to in Section 7-202 shall be effective
22 under this Section unless issued by an insurance company or
23 surety company authorized to do business in this State, except
24 that if such motor vehicle was not registered in this State, or
25 was a motor vehicle which was registered elsewhere than in

1 this State at the effective date of the policy or bond, or the
2 most recent renewal thereof, such policy or bond shall not be
3 effective under this Section unless the insurance company or
4 surety company, if not authorized to do business in this
5 State, shall execute a power of attorney authorizing the
6 Secretary of State to accept service on its behalf of notice or
7 process in any action upon such policy or bond arising out of
8 such motor vehicle crash ~~accident~~. However, every such policy
9 or bond is subject, if the motor vehicle crash ~~accident~~ has
10 resulted in bodily injury or death, to a limit, exclusive of
11 interest and costs, of not less than \$25,000 because of bodily
12 injury to or death of any one person in any one motor vehicle
13 crash ~~accident~~ and, subject to said limit for one person, to a
14 limit of not less than \$50,000 because of bodily injury to or
15 death of 2 or more persons in any one motor vehicle crash
16 ~~accident~~, and, if the motor vehicle crash ~~accident~~ has
17 resulted in injury to or destruction of property, to a limit of
18 not less than \$20,000 because of injury to or destruction of
19 property of others in any one motor vehicle crash ~~accident~~.
20 The changes to this Section made by this amendatory Act of the
21 98th General Assembly apply only to policies issued or renewed
22 on or after January 1, 2015.

23 Upon receipt of a written motor vehicle crash ~~accident~~
24 report from the Administrator the insurance company or surety
25 company named in such notice shall notify the Administrator
26 within such time and in such manner as the Administrator may

1 require, in case such policy or bond was not in effect at the
2 time of such motor vehicle crash ~~accident~~.

3 (Source: P.A. 98-519, eff. 1-1-15.)

4 (625 ILCS 5/7-204) (from Ch. 95 1/2, par. 7-204)

5 Sec. 7-204. Form and amount of security - Definition.

6 (A) Any security required to be deposited under this Act
7 shall be in the form as the Secretary of State may require by
8 administrative rule, and in the amounts as the Administrator
9 may determine to be sufficient to satisfy any judgment or
10 judgments for damages against an operator or owner but in no
11 case in excess of the limits specified in Section 7-203 of this
12 Act in reference to the acceptable limits of a policy or bond
13 nor for an amount less than \$1,500 (or \$500 if any of the
14 vehicles involved in the crash ~~accident~~ is subject to Section
15 7-601 but is not covered by a liability insurance policy in
16 accordance with Section 7-601).

17 (B) The person depositing security shall specify in
18 writing the person or persons on whose behalf the deposit is
19 made and, while at any time the deposit is in the custody of
20 the Secretary of State or State Treasurer, the person
21 depositing it may, in writing, amend the specification of the
22 person or persons on whose behalf the deposit is made to
23 include an additional person or persons; provided, however,
24 that a single deposit of security shall be applicable only on
25 behalf of persons, required to furnish security because of the

1 same crash ~~accident~~.

2 (C) Within 10 days after any security required under the
3 provisions of this Article is deposited with the Secretary of
4 State, the Secretary shall send notice of the security deposit
5 to the following, if known:

6 1. To each owner and operator of any vehicle involved
7 in the crash ~~accident~~ that sustained damage in excess of
8 \$1,500 (or \$500 if any of the vehicles involved in the
9 crash ~~accident~~ is subject to Section 7-601 but is not
10 covered by a liability insurance policy in accordance with
11 Section 7-601);

12 2. To any person who sustained damage to personal or
13 real property in excess of \$1,500 (or \$500 if any of the
14 vehicles involved in the crash ~~accident~~ is subject to
15 Section 7-601 but is not covered by a liability insurance
16 policy in accordance with Section 7-601);

17 3. To any person who was injured as a result of the
18 crash ~~accident~~; and

19 4. To the estate of any person killed as a result of
20 the crash ~~accident~~.

21 (Source: P.A. 95-754, eff. 1-1-09.)

22 (625 ILCS 5/7-208) (from Ch. 95 1/2, par. 7-208)

23 Sec. 7-208. Agreements for payment of damages. (a) Any 2
24 or more of the persons involved in a motor vehicle crash
25 ~~accident~~ subject to the provisions of Section 7-201 or their

1 authorized representatives, may at any time enter into a
2 written agreement for the payment of an agreed amount in
3 installments, with respect to all claims for injuries or
4 damages resulting from the motor vehicle crash ~~accident~~.

5 (b) The Secretary of State, to the extent provided by any
6 such written agreement properly filed with him, shall not
7 require the deposit of security and shall terminate any prior
8 order of suspension, or, if security has previously been
9 deposited, the Secretary of State shall immediately return
10 such security to the depositor or an appropriate personal
11 representative.

12 (c) In the event of a default in any payment under such
13 agreement and upon notice of such default the Secretary of
14 State shall forthwith suspend the driver's license and
15 registration, or nonresident's operating privileges, of such
16 person in default which shall not be restored unless and
17 until:

18 1. Such person deposits and thereafter maintains
19 security as required under Section 7-201 in such amount as
20 the Secretary of State may then determine,

21 2. Two years have elapsed since the acceptance of the
22 notice of default by the Secretary of State and during
23 such period no action upon such agreement has been
24 instituted in any court having jurisdiction, or

25 3. The person enters into a second written agreement
26 for the payment of an agreed amount in installments with

1 respect to all claims for injuries or damages resulting
2 from the motor vehicle crash ~~accident~~.

3 (Source: P.A. 90-774, eff. 8-14-98.)

4 (625 ILCS 5/7-209) (from Ch. 95 1/2, par. 7-209)

5 Sec. 7-209. Payment upon judgment. The payment of a
6 judgment arising out of a motor vehicle crash ~~accident~~ or the
7 payment upon such judgment of an amount equal to the maximum
8 amount which could be required for deposit under this Article
9 shall for the purposes of this Code be deemed satisfied.

10 (Source: P.A. 83-831.)

11 (625 ILCS 5/7-211) (from Ch. 95 1/2, par. 7-211)

12 Sec. 7-211. Duration of suspension.

13 (a) Unless a suspension is terminated under other
14 provisions of this Code, the driver's license or registration
15 and nonresident's operating privilege suspended as provided in
16 Section 7-205 shall remain suspended and shall not be renewed
17 nor shall any license or registration be issued to the person
18 until:

19 1. The person deposits or there shall be deposited and
20 filed on the person's behalf the security required under
21 Section 7-201;

22 2. Two years have elapsed following the date the
23 driver's license and registrations were suspended and
24 evidence satisfactory to the Secretary of State that

1 during the period no action for damages arising out of a
2 motor vehicle crash ~~accident~~ has been properly filed;

3 3. Receipt of proper notice that the person has filed
4 bankruptcy which would include all claims for personal
5 injury and property damage resulting from the crash
6 ~~accident~~;

7 4. After the expiration of 5 years from the date of the
8 crash ~~accident~~, the Secretary of State has not received
9 documentation that any action at law for damages arising
10 out of the motor vehicle crash ~~accident~~ has been filed
11 against the person; or

12 5. The statute of limitations has expired and the
13 person seeking reinstatement provides evidence
14 satisfactory to the Secretary of State that, during the
15 statute of limitations period, no action for damages
16 arising out of a motor vehicle crash ~~accident~~ has been
17 properly filed.

18 An affidavit that no action at law for damages arising out
19 of the motor vehicle crash ~~accident~~ has been filed against the
20 applicant, or if filed that it is not still pending shall be
21 prima facie evidence of that fact. The Secretary of State may
22 take whatever steps are necessary to verify the statement set
23 forth in the applicant's affidavit.

24 (b) The driver's license or registration and nonresident's
25 operating privileges suspended as provided in Section 7-205
26 shall also remain suspended and shall not be renewed nor shall

1 any license or registration be issued to the person until the
2 person gives proof of his or her financial responsibility in
3 the future as provided in Section 1-164.5. The proof is to be
4 maintained by the person in a manner satisfactory to the
5 Secretary of State for a period of 3 years after the date the
6 proof is first filed.

7 (Source: P.A. 102-52, eff. 1-1-22.)

8 (625 ILCS 5/7-212) (from Ch. 95 1/2, par. 7-212)

9 Sec. 7-212. Authority of Administrator and Secretary of
10 State to decrease amount of security. The Administrator may
11 reduce the amount of security ordered in any case within one
12 year after the date of the crash ~~accident~~, but in no event for
13 an amount less than \$1,500 (or \$500 if any of the vehicles
14 involved in the crash ~~accident~~ is subject to Section 7-601 but
15 is not covered by a liability insurance policy in accordance
16 with Section 7-601), if, in the judgment of the Administrator
17 the amount ordered is excessive, or may revoke or rescind its
18 order requiring the deposit of security in any case within one
19 year after the date of the crash ~~accident~~ if, in the judgment
20 of the Administrator, the provisions of Sections 7-202 and
21 7-203 excuse or exempt the operator or owner from the
22 requirement of the deposit. In case the security originally
23 ordered has been deposited the excess of the reduced amount
24 ordered shall be returned to the depositor or his or her
25 personal representative forthwith, notwithstanding the

1 provisions of Section 7-214. The Secretary of State likewise
2 shall have authority granted to the Administrator to reduce
3 the amount of security ordered by the Administrator.

4 (Source: P.A. 95-754, eff. 1-1-09.)

5 (625 ILCS 5/7-214) (from Ch. 95 1/2, par. 7-214)

6 Sec. 7-214. Disposition of security. Such security shall
7 be applicable only to the payment of a judgment or judgments,
8 rendered against the person or persons on whose behalf the
9 deposit was made, for damages arising out of the crash
10 ~~accident~~ in question, in an action at law, begun not later than
11 the later of (i) the expiration of the relevant statute of
12 limitations or (ii) 2 years after the date of any default in
13 any payment under an installment agreement for payment of
14 damages, and such deposit or any balance thereof shall be
15 returned to the depositor or his or her personal
16 representative when evidence satisfactory to the Secretary of
17 State has been filed with him:

18 1. that there has been a release from liability, or a
19 final adjudication of non-liability; or

20 2. a duly acknowledged written agreement in accordance
21 with Section 7-208 of this Act; or

22 3. whenever after the expiration of the statute of
23 limitations or (ii) 2 years after the date of any default
24 in any payment under an installment agreement for payment
25 of damages, the Secretary of State shall be given

1 reasonable evidence that there is no such action pending
2 and no judgment rendered in such action left unpaid.

3 If, after releasing security to a judgment debtor or
4 claimant, the balance of the security posted with the
5 Secretary is \$5 or less, the balance shall be transferred to
6 the General Revenue Fund. The Secretary shall compile a list
7 of all security amounts of \$5 or less annually in July and
8 shall certify that amount to the State Comptroller. As soon as
9 possible after receiving the certification, the State
10 Comptroller shall order transferred and the State Treasurer
11 shall transfer the amount certified to the General Revenue
12 Fund.

13 (Source: P.A. 102-52, eff. 1-1-22.)

14 (625 ILCS 5/7-216) (from Ch. 95 1/2, par. 7-216)

15 Sec. 7-216. Reciprocity; residents and nonresidents;
16 licensing of nonresidents.

17 (a) When a nonresident's operating privilege is suspended
18 pursuant to Section 7-205 the Secretary of State shall
19 transmit a certified copy of the record of such action to the
20 official in charge of the issuance of driver's license and
21 registration certificates in the state in which such
22 nonresident resides, if the law of such other state provides
23 for action in relation thereto similar to that provided for in
24 subsection (b).

25 (b) Upon receipt of such certification that the operating

1 privilege of a resident of this State has been suspended or
2 revoked in any such other state pursuant to a law providing for
3 its suspension or revocation for failure to deposit security
4 for the payment of judgments arising out of a motor vehicle
5 crash ~~accident~~, or for failure to deposit security under
6 circumstances which would require the Secretary of State to
7 suspend a nonresident's operating privilege had the motor
8 vehicle crash ~~accident~~ occurred in this State, the Secretary
9 of State shall suspend the driver's license of such resident
10 and all other registrations. Such suspension shall continue
11 until such resident furnishes evidence of compliance with the
12 law of such other state relating to the deposit of such
13 security.

14 (c) In case the operator or the owner of a motor vehicle
15 involved in a motor vehicle crash ~~accident~~ within this State
16 has no driver's license or registration, such operator shall
17 not be allowed a driver's license or registration until the
18 operator has complied with the requirements of Sections 7-201
19 through 7-216 to the same extent that would be necessary if, at
20 the time of the motor vehicle crash ~~accident~~, such operator
21 had held a license and registration.

22 (Source: P.A. 100-863, eff. 8-14-18.)

23 (625 ILCS 5/7-303) (from Ch. 95 1/2, par. 7-303)

24 Sec. 7-303. Suspension of driver's licenses, registration
25 certificates, license plates or digital license plates, and

1 registration stickers or digital registration stickers for
2 failure to satisfy judgment.

3 (a) The Secretary of State shall, except as provided in
4 paragraph (d), suspend the driver's license issued to any
5 person upon receiving an authenticated report as hereinafter
6 provided for in Section 7-307 that the person has failed for a
7 period of 30 days to satisfy any final judgment in amounts as
8 hereinafter stated, and shall also suspend the registration
9 certificate, license plates or digital license plates, and
10 registration sticker or digital registration sticker of the
11 judgment debtor's motor vehicle involved in the crash as
12 indicated in the authenticated report.

13 (b) The term "judgment" shall mean: A final judgment of
14 any court of competent jurisdiction of any State, against a
15 person as defendant for damages on account of bodily injury to
16 or death of any person or damages to property resulting from
17 the operation, on and after July 12, 1938, of any motor
18 vehicle.

19 (c) The term "State" shall mean: Any State, Territory, or
20 possession of the United States, the District of Columbia, or
21 any province of the Dominion of Canada.

22 (d) The Secretary of State shall not suspend the driver's
23 license, registration certificates, registration stickers or
24 digital registration stickers, or license plates or digital
25 license plates of the judgment debtor, nor shall such judgment
26 debtor be subject to the suspension provisions of Sections

1 7-308 and 7-309 if all the following conditions are met:

2 1. At the time of the motor vehicle crash ~~accident~~
3 which gave rise to the unsatisfied judgment the judgment
4 debtor was covered by a motor vehicle liability policy or
5 bond meeting the requirements of this Chapter;

6 2. The insurance company which issued the policy or
7 bond has failed and has suspended operations by order of a
8 court;

9 3. The judgment debtor had no knowledge of the
10 insurance company's failure prior to the motor vehicle
11 crash ~~accident~~;

12 4. Within 30 days after learning of the insurance
13 company's failure the judgment debtor secured another
14 liability policy or bond meeting the requirements of this
15 Article relating to future occurrences or crashes
16 ~~accidents~~;

17 5. The insurance company which issued the motor
18 vehicle liability policy or bond that covered the judgment
19 debtor at the time of the motor vehicle crash ~~accident~~ is
20 unable to satisfy the judgment in the amounts specified in
21 Section 7-311;

22 6. The judgment debtor presents to the Secretary of
23 State such certified documents or other proofs as the
24 Secretary of State may require that all of the conditions
25 set forth in this Section have been met.

26 (Source: P.A. 101-395, eff. 8-16-19.)

1 (625 ILCS 5/7-309) (from Ch. 95 1/2, par. 7-309)

2 Sec. 7-309. Suspension to continue until judgments paid
3 and proof given.

4 (a) The suspension of such driver's license, license
5 plates and registration stickers shall remain in effect and no
6 other vehicle shall be registered in the name of such judgment
7 debtor, nor any new license issued to such person (including
8 any such person not previously licensed), unless and until the
9 Secretary of State receives authenticated documentation that
10 such judgment is satisfied, or dormant as provided for in
11 Section 12-108 of the Code of Civil Procedure, as now or
12 hereafter amended, or stayed by court order, and the judgment
13 debtor gives proof of financial responsibility, as hereinafter
14 provided. The Secretary of State may terminate the suspension
15 of such person's driver's license, license plates and
16 registration stickers and no proof of financial responsibility
17 shall be required on any existing suspensions under this
18 Article which are more than 20 years old.

19 (b) Whenever, after one judgment is satisfied and proof of
20 financial responsibility is given as herein required, another
21 such judgment is rendered against the judgment debtor for any
22 motor vehicle crash ~~accident~~ occurring prior to the date of
23 the giving of said proof and such person fails to satisfy the
24 latter judgment within the amounts specified herein within 30
25 days after the same becomes final, then the Secretary of State

1 shall again suspend the driver's license of such judgment
2 debtor and shall again suspend the registration of any vehicle
3 registered in the name of such judgment debtor as owner. Such
4 driver's license and registration shall not be renewed nor
5 shall a driver's license and registration of any vehicle be
6 issued to such judgment debtor while such latter judgment
7 remains in effect and unsatisfied within the amount specified
8 herein.

9 (Source: P.A. 90-655, eff. 7-30-98.)

10 (625 ILCS 5/7-310) (from Ch. 95 1/2, par. 7-310)

11 Sec. 7-310. Petition for discharge filed in bankruptcy. A
12 petition for discharge filed in bankruptcy following the
13 rendering of any judgment shall relieve the judgment debtor
14 from the requirements of this Chapter 7, except that the
15 judgment debtor's drivers license shall remain suspended and
16 may not be renewed, and the judgment debtor may not be issued a
17 license or registration, until the judgment debtor gives proof
18 of his or her financial responsibility in the future, as
19 provided in Section 1-164.5. The proof is to be maintained by
20 the judgment debtor, in a manner satisfactory to the Secretary
21 of State, for a period of 3 years after the date on which the
22 proof is first filed.

23 A petition for discharge filed in bankruptcy of the owner
24 or lessee of a commercial vehicle by whom the judgment debtor
25 is employed at the time of the motor vehicle crash ~~accident~~

1 that gives rise to the judgment also shall relieve the
2 judgment debtor so employed from any of the requirements of
3 this Chapter 7 if the discharge of the owner or lessee follows
4 the rendering of the judgment and if the judgment debtor so
5 employed was operating the commercial vehicle in connection
6 with his or her regular employment or occupation at the time of
7 the crash ~~accident~~. This amendatory act of 1985 applies to all
8 cases irrespective of whether the crash ~~accident~~ giving rise
9 to the suspension of license or registration occurred before,
10 on, or after its effective date.

11 (Source: P.A. 93-982, eff. 1-1-05.)

12 (625 ILCS 5/7-311) (from Ch. 95 1/2, par. 7-311)

13 Sec. 7-311. Payments sufficient to satisfy requirements.

14 (a) Judgments herein referred to arising out of motor
15 vehicle crashes ~~accidents~~ occurring on or after January 1,
16 2015 (the effective date of Public Act 98-519) shall for the
17 purpose of this Chapter be deemed satisfied:

18 1. when \$25,000 has been credited upon any judgment or
19 judgments rendered in excess of that amount for bodily
20 injury to or the death of one person as the result of any
21 one motor vehicle crash ~~accident~~; or

22 2. when, subject to said limit of \$25,000 as to any one
23 person, the sum of \$50,000 has been credited upon any
24 judgment or judgments rendered in excess of that amount
25 for bodily injury to or the death of more than one person

1 as the result of any one motor vehicle crash ~~accident~~; or

2 3. when \$20,000 has been credited upon any judgment or
3 judgments, rendered in excess of that amount for damages
4 to property of others as a result of any one motor vehicle
5 crash ~~accident~~.

6 The changes to this subsection made by Public Act 98-519
7 apply only to policies issued or renewed on or after January 1,
8 2015.

9 (b) Credit for such amounts shall be deemed a satisfaction
10 of any such judgment or judgments in excess of said amounts
11 only for the purposes of this Chapter.

12 (c) Whenever payment has been made in settlement of any
13 claim for bodily injury, death, or property damage arising
14 from a motor vehicle crash ~~accident~~ resulting in injury,
15 death, or property damage to two or more persons in such crash
16 ~~accident~~, any such payment shall be credited in reduction of
17 the amounts provided for in this Section.

18 (Source: P.A. 99-78, eff. 7-20-15; 100-201, eff. 8-18-17.)

19 (625 ILCS 5/7-316) (from Ch. 95 1/2, par. 7-316)

20 Sec. 7-316. Certificate furnished by nonresident as proof.
21 Any nonresident owner of a motor vehicle not registered in
22 this State may give proof of financial responsibility by
23 filing with the Secretary of State a certificate or
24 certificates of an insurance carrier authorized to transact
25 business in the state or province of the Dominion of Canada in

1 which the motor vehicle or motor vehicles described in such
2 certificate are registered, or if such nonresident does not
3 own a motor vehicle then in the state or province of the
4 Dominion of Canada in which the insured resides, and otherwise
5 conforming to the provisions of this Code, and the Secretary
6 of State shall accept the same if such carrier shall:

7 1. Execute a power of attorney authorizing the Secretary
8 of State to accept service on its behalf of notice of process
9 in any action arising out of a motor vehicle crash ~~accident~~ in
10 this State;

11 2. Duly adopt a resolution which shall be binding upon it
12 declaring that its policies shall be deemed to be varied to
13 comply with the laws of this State relating to the terms of
14 motor vehicle liability policies as required by Section 7-317;
15 and

16 3. Agree to accept as final and binding any final judgment
17 duly rendered in any action arising out of a motor vehicle
18 crash ~~accident~~ in any court of competent jurisdiction in this
19 State.

20 (Source: P.A. 83-831.)

21 (625 ILCS 5/7-317) (from Ch. 95 1/2, par. 7-317)

22 Sec. 7-317. "Motor vehicle liability policy" defined.

23 (a) Certification. -A "motor vehicle liability policy", as
24 that term is used in this Act, means an "owner's policy" or an
25 "operator's policy" of liability insurance, certified as

1 provided in Section 7-315 or Section 7-316 as proof of
2 financial responsibility for the future, and issued, except as
3 otherwise provided in Section 7-316, by an insurance carrier
4 duly authorized to transact business in this State, to or for
5 the benefit of the person named therein as insured.

6 (b) Owner's Policy. --Such owner's policy of liability
7 insurance:

8 1. Shall designate by explicit description or by
9 appropriate reference, all motor vehicles with respect to
10 which coverage is thereby intended to be granted;

11 2. Shall insure the person named therein and any other
12 person using or responsible for the use of such motor
13 vehicle or vehicles with the express or implied permission
14 of the insured;

15 3. Shall insure every named insured and any other
16 person using or responsible for the use of any motor
17 vehicle owned by the named insured and used by such other
18 person with the express or implied permission of the named
19 insured on account of the maintenance, use or operation of
20 any motor vehicle owned by the named insured, within the
21 continental limits of the United States or the Dominion of
22 Canada against loss from liability imposed by law arising
23 from such maintenance, use or operation, to the extent and
24 aggregate amount, exclusive of interest and cost, with
25 respect to each motor vehicle, of \$25,000 for bodily
26 injury to or death of one person as a result of any one

1 crash ~~accident~~ and, subject to such limit as to one
2 person, the amount of \$50,000 for bodily injury to or
3 death of all persons as a result of any one crash ~~accident~~
4 and the amount of \$20,000 for damage to property of others
5 as a result of any one crash ~~accident~~. The changes to this
6 paragraph made by this amendatory Act of the 98th General
7 Assembly apply only to policies issued or renewed on or
8 after January 1, 2015.

9 (c) Operator's Policy. --When an operator's policy is
10 required, it shall insure the person named therein as insured
11 against the liability imposed by law upon the insured for
12 bodily injury to or death of any person or damage to property
13 to the amounts and limits above set forth and growing out of
14 the use or operation by the insured within the continental
15 limits of the United States or the Dominion of Canada of any
16 motor vehicle not owned by him.

17 (d) Required Statements in Policies. --Every motor vehicle
18 liability policy must specify the name and address of the
19 insured, the coverage afforded by the policy, the premium
20 charged therefor, the policy period, and the limits of
21 liability, and shall contain an agreement that the insurance
22 thereunder is provided in accordance with the coverage defined
23 in this Act, as respects bodily injury and death or property
24 damage or both, and is subject to all the provisions of this
25 Act.

26 (e) Policy Need Not Insure Workers' Compensation. --Any

1 liability policy or policies issued hereunder need not cover
2 any liability of the insured assumed by or imposed upon the
3 insured under any workers' compensation law nor any liability
4 for damage to property in charge of the insured or the
5 insured's employees.

6 (f) Provisions Incorporated in Policy. --Every motor
7 vehicle liability policy is subject to the following
8 provisions which need not be contained therein:

9 1. The liability of the insurance carrier under any
10 such policy shall become absolute whenever loss or damage
11 covered by the policy occurs and the satisfaction by the
12 insured of a final judgment for such loss or damage shall
13 not be a condition precedent to the right or obligation of
14 the carrier to make payment on account of such loss or
15 damage.

16 2. No such policy may be cancelled or annulled as
17 respects any loss or damage, by any agreement between the
18 carrier and the insured after the insured has become
19 responsible for such loss or damage, and any such
20 cancellation or annulment shall be void.

21 3. The insurance carrier shall, however, have the
22 right to settle any claim covered by the policy, and if
23 such settlement is made in good faith, the amount thereof
24 shall be deductible from the limits of liability specified
25 in the policy.

26 4. The policy, the written application therefor, if

1 any, and any rider or endorsement which shall not conflict
2 with the provisions of this Act shall constitute the
3 entire contract between the parties.

4 (g) Excess or Additional Coverage. --Any motor vehicle
5 liability policy may, however, grant any lawful coverage in
6 excess of or in addition to the coverage herein specified or
7 contain any agreements, provisions, or stipulations not in
8 conflict with the provisions of this Act and not otherwise
9 contrary to law.

10 (h) Reimbursement Provision Permitted. --The policy may
11 provide that the insured, or any other person covered by the
12 policy shall reimburse the insurance carrier for payment made
13 on account of any loss or damage claim or suit involving a
14 breach of the terms, provisions or conditions of the policy;
15 and further, if the policy shall provide for limits in excess
16 of the limits specified in this Act, the insurance carrier may
17 plead against any plaintiff, with respect to the amount of
18 such excess limits of liability, any defense which it may be
19 entitled to plead against the insured.

20 (i) Proration of Insurance Permitted. --The policy may
21 provide for the pro-rating of the insurance thereunder with
22 other applicable valid and collectible insurance.

23 (j) Binders. --Any binder pending the issuance of any
24 policy, which binder contains or by reference includes the
25 provisions hereunder shall be sufficient proof of ability to
26 respond in damages.

1 (k) Copy of Policy to Be Filed with Department of
2 Insurance--Approval. --A copy of the form of every motor
3 vehicle liability policy which is to be used to meet the
4 requirements of this Act must be filed, by the company
5 offering such policy, with the Department of Insurance, which
6 shall approve or disapprove the policy within 30 days of its
7 filing. If the Department approves the policy in writing
8 within such 30 day period or fails to take action for 30 days,
9 the form of policy shall be deemed approved as filed. If within
10 the 30 days the Department disapproves the form of policy
11 filed upon the ground that it does not comply with the
12 requirements of this Act, the Department shall give written
13 notice of its decision and its reasons therefor to the carrier
14 and the policy shall not be accepted as proof of financial
15 responsibility under this Act.

16 (l) Insurance Carrier Required to File Certificate. --An
17 insurance carrier who has issued a motor vehicle liability
18 policy or policies or an operator's policy meeting the
19 requirements of this Act shall, upon the request of the
20 insured therein, deliver to the insured for filing, or at the
21 request of the insured, shall file direct, with the Secretary
22 of State a certificate, as required by this Act, which shows
23 that such policy or policies have been issued. No insurance
24 carrier may require the payment of any extra fee or surcharge,
25 in addition to the insurance premium, for the execution,
26 delivery or filing of such certificate.

1 (m) Proof When Made By Endorsement. --Any motor vehicle
2 liability policy which by endorsement contains the provisions
3 required hereunder shall be sufficient proof of ability to
4 respond in damages.

5 (Source: P.A. 98-519, eff. 1-1-15.)

6 (625 ILCS 5/7-328) (from Ch. 95 1/2, par. 7-328)

7 Sec. 7-328. Duration of proof - When proof may be canceled
8 or returned. The Secretary of State shall upon request cancel
9 any bond or return any certificate of insurance, or the
10 Secretary of State shall direct and the State Treasurer shall
11 return to the person entitled thereto any money or securities,
12 deposited pursuant to this Chapter as proof of financial
13 responsibility or waive the requirements of filing proof of
14 financial responsibility in any of the following events:

15 1. In the event of the death of the person on whose behalf
16 such proof was filed, or the permanent incapacity of such
17 person to operate a motor vehicle;

18 2. In the event the person who has given proof of financial
19 responsibility surrenders such person's driver's license,
20 registration certificates, license plates and registration
21 stickers, but the Secretary of State shall not release such
22 proof in the event any action for damages upon a liability
23 referred to in this Article is then pending or any judgment
24 upon any such liability is then outstanding and unsatisfied or
25 in the event the Secretary of State has received notice that

1 such person has, within the period of 3 months immediately
2 preceding, been involved as a driver in any motor vehicle
3 crash ~~accident~~. An affidavit of the applicant of the
4 nonexistence of such facts shall be sufficient evidence
5 thereof in the absence of evidence to the contrary in the
6 records of the Secretary of State. Any person who has not
7 completed the required 3 year period of proof of financial
8 responsibility pursuant to Section 7-304, and to whom proof
9 has been surrendered as provided in this paragraph applies for
10 a driver's license or the registration of a motor vehicle
11 shall have the application denied unless the applicant
12 re-establishes such proof for the remainder of such period.

13 3. In the event that proof of financial responsibility has
14 been deposited voluntarily, at any time upon request of the
15 person entitled thereto, provided that the person on whose
16 behalf such proof was given has not, during the period between
17 the date of the original deposit thereof and the date of such
18 request, been convicted of any offense for which revocation is
19 mandatory as provided in Section 6-205; provided, further,
20 that no action for damages is pending against such person on
21 whose behalf such proof of financial responsibility was
22 furnished and no judgment against such person is outstanding
23 and unsatisfied in respect to bodily injury, or in respect to
24 damage to property resulting from the ownership, maintenance,
25 use or operation hereafter of a motor vehicle. An affidavit of
26 the applicant under this Section shall be sufficient evidence

1 of the facts in the absence of evidence to the contrary in the
2 records of the Secretary of State.

3 (Source: P.A. 85-321.)

4 (625 ILCS 5/7-329) (from Ch. 95 1/2, par. 7-329)

5 Sec. 7-329. Proof of financial responsibility made
6 voluntarily. 1. Proof of financial responsibility may be
7 voluntarily by or on behalf of any person. The privilege of
8 operation of any motor vehicle within this State by such
9 person shall not be suspended or withdrawn under the
10 provisions of this Article if such proof of financial
11 responsibility has been voluntarily filed or deposited prior
12 to the offense or crash ~~accident~~ out of which any conviction,
13 judgment, or order arises and if such proof, at the date of
14 such conviction, judgment, or order, is valid and sufficient
15 for the requirements of this Code.

16 2. If the Secretary of State receives record of any
17 conviction or judgment against such person which, in the
18 absence of such proof of financial responsibility would have
19 caused the suspension of the driver's license of such person,
20 the Secretary of State shall forthwith notify the insurer or
21 surety of such person of the conviction or judgment so
22 reported.

23 (Source: P.A. 83-831.)

24 (625 ILCS 5/7-502) (from Ch. 95 1/2, par. 7-502)

1 Sec. 7-502. Self-insurers. Any person in whose name more
2 than 25 motor vehicles are registered may qualify as a
3 self-insurer by obtaining a certificate of self-insurance
4 issued by the Director of the Department of Insurance as
5 provided in this Section.

6 The Director may, in his discretion, upon the application
7 of such a person, issue a certificate of self-insurance when
8 he is satisfied that such person is possessed and will
9 continue to be possessed of ability to pay judgment obtained
10 against such person.

11 Upon not less than 5 days' notice, and a hearing pursuant
12 to such notice, the Director may upon reasonable grounds
13 cancel a certificate of self-insurance. Failure to pay any
14 judgment against any person covered by such certificate of
15 self-insurance and arising out of any crash ~~accident~~ in which
16 a motor vehicle covered by such certificate of self-insurance
17 has been involved within 30 days after such judgment shall
18 have become final shall constitute a reasonable ground for the
19 cancellation of a certificate of self-insurance.

20 (Source: P.A. 82-138.)

21 (625 ILCS 5/7-504)

22 Sec. 7-504. Emergency telephone system outages;
23 reimbursement. Any person who negligently causes a motor
24 vehicle crash ~~accident~~ that causes an emergency telephone
25 system outage must reimburse the public safety agency that

1 provides personnel to answer calls or to maintain or operate
2 an emergency telephone system during the outage for the
3 agency's costs associated with answering calls or maintaining
4 or operating the system during the outage. For the purposes of
5 this Section, "public safety agency" means the same as in
6 Section 2.02 of the Emergency Telephone System Act.

7 (Source: P.A. 92-149, eff. 1-1-02.)

8 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

9 Sec. 7-604. Verification of liability insurance policy.

10 (a) The Secretary of State may select random samples of
11 registrations of motor vehicles subject to Section 7-601 of
12 this Code, or owners thereof, for the purpose of verifying
13 whether or not the motor vehicles are insured.

14 In addition to such general random samples of motor
15 vehicle registrations, the Secretary may select for
16 verification other random samples, including, but not limited
17 to registrations of motor vehicles owned by persons:

18 (1) whose motor vehicle registrations during the
19 preceding 4 years have been suspended pursuant to Section
20 7-606 or 7-607 of this Code;

21 (2) who during the preceding 4 years have been
22 convicted of violating Section 3-707, 3-708, or 3-710 of
23 this Code while operating vehicles owned by other persons;

24 (3) whose driving privileges have been suspended
25 during the preceding 4 years;

1 (4) who during the preceding 4 years acquired
2 ownership of motor vehicles while the registrations of
3 such vehicles under the previous owners were suspended
4 pursuant to Section 7-606 or 7-607 of this Code; or

5 (5) who during the preceding 4 years have received a
6 disposition of supervision under subsection (c) of Section
7 5-6-1 of the Unified Code of Corrections for a violation
8 of Section 3-707, 3-708, or 3-710 of this Code.

9 (b) Upon receiving certification from the Department of
10 Transportation under Section 7-201.2 of this Code of the name
11 of an owner or operator of any motor vehicle involved in a
12 crash ~~an accident~~, the Secretary may verify whether or not at
13 the time of the crash ~~accident~~ such motor vehicle was covered
14 by a liability insurance policy in accordance with Section
15 7-601 of this Code.

16 (c) In preparation for selection of random samples and
17 their verification, the Secretary may send to owners of
18 randomly selected motor vehicles, or to randomly selected
19 motor vehicle owners, requests for information about their
20 motor vehicles and liability insurance coverage electronically
21 or, if electronic means are unavailable, via U.S. mail. The
22 request shall require the owner to state whether or not the
23 motor vehicle was insured on the verification date stated in
24 the Secretary's request and the request may require, but is
25 not limited to, a statement by the owner of the names and
26 addresses of insurers, policy numbers, and expiration dates of

1 insurance coverage.

2 (d) Within 30 days after the Secretary sends a request
3 under subsection (c) of this Section, the owner to whom it is
4 sent shall furnish the requested information to the Secretary
5 above the owner's signed affirmation that such information is
6 true and correct. Proof of insurance in effect on the
7 verification date, as prescribed by the Secretary, may be
8 considered by the Secretary to be a satisfactory response to
9 the request for information.

10 Any owner whose response indicates that his or her vehicle
11 was not covered by a liability insurance policy in accordance
12 with Section 7-601 of this Code shall be deemed to have
13 registered or maintained registration of a motor vehicle in
14 violation of that Section. Any owner who fails to respond to
15 such a request shall be deemed to have registered or
16 maintained registration of a motor vehicle in violation of
17 Section 7-601 of this Code.

18 (e) If the owner responds to the request for information
19 by asserting that his or her vehicle was covered by a liability
20 insurance policy on the verification date stated in the
21 Secretary's request, the Secretary may conduct a verification
22 of the response by furnishing necessary information to the
23 insurer named in the response. The insurer shall within 45
24 days inform the Secretary whether or not on the verification
25 date stated the motor vehicle was insured by the insurer in
26 accordance with Section 7-601 of this Code. The Secretary may

1 by rule and regulation prescribe the procedures for
2 verification.

3 (f) No random sample selected under this Section shall be
4 categorized on the basis of race, color, religion, sex,
5 national origin, ancestry, age, marital status, physical or
6 mental disability, economic status, or geography.

7 (g) (Blank).

8 (h) This Section shall be inoperative upon the effective
9 date of the rules adopted by the Secretary to implement
10 Section 7-603.5 of this Code.

11 (Source: P.A. 99-333, eff. 12-30-15 (see Section 15 of P.A.
12 99-483 for the effective date of changes made by P.A. 99-333);
13 99-737, eff. 8-5-16; 100-145, eff. 1-1-18; 100-373, eff.
14 1-1-18; 100-863, eff. 8-14-18.)

15 (625 ILCS 5/9-105) (from Ch. 95 1/2, par. 9-105)

16 Sec. 9-105. Insurance policy as proof - requirements. A
17 motor vehicle liability policy in a solvent and responsible
18 company, authorized to do business in the State of Illinois,
19 providing that the insurance carrier will pay any judgment
20 within 30 days after it becomes final, recovered against the
21 customer or against any person operating the motor vehicle
22 with the customer's express or implied consent, for damage to
23 property other than to the rented motor vehicles, or for an
24 injury to or for the death of any person, including an occupant
25 of the rented motor vehicle, resulting from the operation of

1 the motor vehicle shall serve as proof of financial
2 responsibility; provided however, every such policy provides
3 insurance insuring the operator of the rented motor vehicle
4 against liability upon such insured to a minimum amount of
5 \$50,000 because of bodily injury to, or death of any one person
6 or damage to property and \$100,000 because of bodily injury to
7 or death of 2 or more persons in any one motor vehicle crash
8 ~~accident~~.

9 (Source: P.A. 86-880.)

10 (625 ILCS 5/10-201) (from Ch. 95 1/2, par. 10-201)

11 Sec. 10-201. Liability for bodily injury to or death of
12 guest.

13 No person riding in or upon a motor vehicle or motorcycle
14 as a guest without payment for such ride and who has solicited
15 such ride in violation of Subsection (a) of Section 11-1006 of
16 this Act, nor his personal representative in the event of the
17 death of such guest, shall have a cause of action for damages
18 against the driver or operator of such motor vehicle or
19 motorcycle, or its owner or his employee or agent for injury,
20 death or loss, in case of a crash accident, unless such crash
21 ~~accident~~ has been caused by the willful and wanton misconduct
22 of the driver or operator of such motor vehicle or motorcycle
23 or its owner or his employee or agent and unless such willful
24 and wanton misconduct contributed to the injury, death or loss
25 for which the action is brought.

1 Nothing contained in this section relieves a motor vehicle
2 or motorcycle carrier of passengers for hire of responsibility
3 for injury or death sustained by any passenger for hire.

4 This amendatory Act of 1971 shall apply only to causes of
5 action arising from crashes ~~accidents~~ occurring after its
6 effective date.

7 (Source: P.A. 77-1482.)

8 (625 ILCS 5/11-208.6)

9 Sec. 11-208.6. Automated traffic law enforcement system.

10 (a) As used in this Section, "automated traffic law
11 enforcement system" means a device with one or more motor
12 vehicle sensors working in conjunction with a red light signal
13 to produce recorded images of motor vehicles entering an
14 intersection against a red signal indication in violation of
15 Section 11-306 of this Code or a similar provision of a local
16 ordinance.

17 An automated traffic law enforcement system is a system,
18 in a municipality or county operated by a governmental agency,
19 that produces a recorded image of a motor vehicle's violation
20 of a provision of this Code or a local ordinance and is
21 designed to obtain a clear recorded image of the vehicle and
22 the vehicle's license plate. The recorded image must also
23 display the time, date, and location of the violation.

24 (b) As used in this Section, "recorded images" means
25 images recorded by an automated traffic law enforcement system

1 on:

2 (1) 2 or more photographs;

3 (2) 2 or more microphotographs;

4 (3) 2 or more electronic images; or

5 (4) a video recording showing the motor vehicle and,
6 on at least one image or portion of the recording, clearly
7 identifying the registration plate or digital registration
8 plate number of the motor vehicle.

9 (b-5) A municipality or county that produces a recorded
10 image of a motor vehicle's violation of a provision of this
11 Code or a local ordinance must make the recorded images of a
12 violation accessible to the alleged violator by providing the
13 alleged violator with a website address, accessible through
14 the Internet.

15 (c) Except as provided under Section 11-208.8 of this
16 Code, a county or municipality, including a home rule county
17 or municipality, may not use an automated traffic law
18 enforcement system to provide recorded images of a motor
19 vehicle for the purpose of recording its speed. Except as
20 provided under Section 11-208.8 of this Code, the regulation
21 of the use of automated traffic law enforcement systems to
22 record vehicle speeds is an exclusive power and function of
23 the State. This subsection (c) is a denial and limitation of
24 home rule powers and functions under subsection (h) of Section
25 6 of Article VII of the Illinois Constitution.

26 (c-5) A county or municipality, including a home rule

1 county or municipality, may not use an automated traffic law
2 enforcement system to issue violations in instances where the
3 motor vehicle comes to a complete stop and does not enter the
4 intersection, as defined by Section 1-132 of this Code, during
5 the cycle of the red signal indication unless one or more
6 pedestrians or bicyclists are present, even if the motor
7 vehicle stops at a point past a stop line or crosswalk where a
8 driver is required to stop, as specified in subsection (c) of
9 Section 11-306 of this Code or a similar provision of a local
10 ordinance.

11 (c-6) A county, or a municipality with less than 2,000,000
12 inhabitants, including a home rule county or municipality, may
13 not use an automated traffic law enforcement system to issue
14 violations in instances where a motorcyclist enters an
15 intersection against a red signal indication when the red
16 signal fails to change to a green signal within a reasonable
17 period of time not less than 120 seconds because of a signal
18 malfunction or because the signal has failed to detect the
19 arrival of the motorcycle due to the motorcycle's size or
20 weight.

21 (d) For each violation of a provision of this Code or a
22 local ordinance recorded by an automatic traffic law
23 enforcement system, the county or municipality having
24 jurisdiction shall issue a written notice of the violation to
25 the registered owner of the vehicle as the alleged violator.
26 The notice shall be delivered to the registered owner of the

1 vehicle, by mail, within 30 days after the Secretary of State
2 notifies the municipality or county of the identity of the
3 owner of the vehicle, but in no event later than 90 days after
4 the violation.

5 The notice shall include:

6 (1) the name and address of the registered owner of
7 the vehicle;

8 (2) the registration number of the motor vehicle
9 involved in the violation;

10 (3) the violation charged;

11 (4) the location where the violation occurred;

12 (5) the date and time of the violation;

13 (6) a copy of the recorded images;

14 (7) the amount of the civil penalty imposed and the
15 requirements of any traffic education program imposed and
16 the date by which the civil penalty should be paid and the
17 traffic education program should be completed;

18 (8) a statement that recorded images are evidence of a
19 violation of a red light signal;

20 (9) a warning that failure to pay the civil penalty,
21 to complete a required traffic education program, or to
22 contest liability in a timely manner is an admission of
23 liability;

24 (10) a statement that the person may elect to proceed
25 by:

26 (A) paying the fine, completing a required traffic

1 education program, or both; or

2 (B) challenging the charge in court, by mail, or
3 by administrative hearing; and

4 (11) a website address, accessible through the
5 Internet, where the person may view the recorded images of
6 the violation.

7 (e) (Blank).

8 (f) Based on inspection of recorded images produced by an
9 automated traffic law enforcement system, a notice alleging
10 that the violation occurred shall be evidence of the facts
11 contained in the notice and admissible in any proceeding
12 alleging a violation under this Section.

13 (g) Recorded images made by an automatic traffic law
14 enforcement system are confidential and shall be made
15 available only to the alleged violator and governmental and
16 law enforcement agencies for purposes of adjudicating a
17 violation of this Section, for statistical purposes, or for
18 other governmental purposes. Any recorded image evidencing a
19 violation of this Section, however, may be admissible in any
20 proceeding resulting from the issuance of the citation.

21 (h) The court or hearing officer may consider in defense
22 of a violation:

23 (1) that the motor vehicle or registration plates or
24 digital registration plates of the motor vehicle were
25 stolen before the violation occurred and not under the
26 control of or in the possession of the owner at the time of

1 the violation;

2 (2) that the driver of the vehicle passed through the
3 intersection when the light was red either (i) in order to
4 yield the right-of-way to an emergency vehicle or (ii) as
5 part of a funeral procession; and

6 (3) any other evidence or issues provided by municipal
7 or county ordinance.

8 (i) To demonstrate that the motor vehicle or the
9 registration plates or digital registration plates were stolen
10 before the violation occurred and were not under the control
11 or possession of the owner at the time of the violation, the
12 owner must submit proof that a report concerning the stolen
13 motor vehicle or registration plates was filed with a law
14 enforcement agency in a timely manner.

15 (j) Unless the driver of the motor vehicle received a
16 Uniform Traffic Citation from a police officer at the time of
17 the violation, the motor vehicle owner is subject to a civil
18 penalty not exceeding \$100 or the completion of a traffic
19 education program, or both, plus an additional penalty of not
20 more than \$100 for failure to pay the original penalty or to
21 complete a required traffic education program, or both, in a
22 timely manner, if the motor vehicle is recorded by an
23 automated traffic law enforcement system. A violation for
24 which a civil penalty is imposed under this Section is not a
25 violation of a traffic regulation governing the movement of
26 vehicles and may not be recorded on the driving record of the

1 owner of the vehicle.

2 (j-3) A registered owner who is a holder of a valid
3 commercial driver's license is not required to complete a
4 traffic education program.

5 (j-5) For purposes of the required traffic education
6 program only, a registered owner may submit an affidavit to
7 the court or hearing officer swearing that at the time of the
8 alleged violation, the vehicle was in the custody and control
9 of another person. The affidavit must identify the person in
10 custody and control of the vehicle, including the person's
11 name and current address. The person in custody and control of
12 the vehicle at the time of the violation is required to
13 complete the required traffic education program. If the person
14 in custody and control of the vehicle at the time of the
15 violation completes the required traffic education program,
16 the registered owner of the vehicle is not required to
17 complete a traffic education program.

18 (k) An intersection equipped with an automated traffic law
19 enforcement system must be posted with a sign visible to
20 approaching traffic indicating that the intersection is being
21 monitored by an automated traffic law enforcement system.

22 (k-3) A municipality or county that has one or more
23 intersections equipped with an automated traffic law
24 enforcement system must provide notice to drivers by posting
25 the locations of automated traffic law systems on the
26 municipality or county website.

1 (k-5) An intersection equipped with an automated traffic
2 law enforcement system must have a yellow change interval that
3 conforms with the Illinois Manual on Uniform Traffic Control
4 Devices (IMUTCD) published by the Illinois Department of
5 Transportation.

6 (k-7) A municipality or county operating an automated
7 traffic law enforcement system shall conduct a statistical
8 analysis to assess the safety impact of each automated traffic
9 law enforcement system at an intersection following
10 installation of the system. The statistical analysis shall be
11 based upon the best available crash, traffic, and other data,
12 and shall cover a period of time before and after installation
13 of the system sufficient to provide a statistically valid
14 comparison of safety impact. The statistical analysis shall be
15 consistent with professional judgment and acceptable industry
16 practice. The statistical analysis also shall be consistent
17 with the data required for valid comparisons of before and
18 after conditions and shall be conducted within a reasonable
19 period following the installation of the automated traffic law
20 enforcement system. The statistical analysis required by this
21 subsection (k-7) shall be made available to the public and
22 shall be published on the website of the municipality or
23 county. If the statistical analysis for the 36 month period
24 following installation of the system indicates that there has
25 been an increase in the rate of crashes ~~accidents~~ at the
26 approach to the intersection monitored by the system, the

1 municipality or county shall undertake additional studies to
2 determine the cause and severity of the crashes ~~accidents~~, and
3 may take any action that it determines is necessary or
4 appropriate to reduce the number or severity of the crashes
5 ~~accidents~~ at that intersection.

6 (l) The compensation paid for an automated traffic law
7 enforcement system must be based on the value of the equipment
8 or the services provided and may not be based on the number of
9 traffic citations issued or the revenue generated by the
10 system.

11 (m) This Section applies only to the counties of Cook,
12 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
13 to municipalities located within those counties.

14 (n) The fee for participating in a traffic education
15 program under this Section shall not exceed \$25.

16 A low-income individual required to complete a traffic
17 education program under this Section who provides proof of
18 eligibility for the federal earned income tax credit under
19 Section 32 of the Internal Revenue Code or the Illinois earned
20 income tax credit under Section 212 of the Illinois Income Tax
21 Act shall not be required to pay any fee for participating in a
22 required traffic education program.

23 (o) (Blank).

24 (p) No person who is the lessor of a motor vehicle pursuant
25 to a written lease agreement shall be liable for an automated
26 speed or traffic law enforcement system violation involving

1 such motor vehicle during the period of the lease; provided
2 that upon the request of the appropriate authority received
3 within 120 days after the violation occurred, the lessor
4 provides within 60 days after such receipt the name and
5 address of the lessee.

6 Upon the provision of information by the lessor pursuant
7 to this subsection, the county or municipality may issue the
8 violation to the lessee of the vehicle in the same manner as it
9 would issue a violation to a registered owner of a vehicle
10 pursuant to this Section, and the lessee may be held liable for
11 the violation.

12 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

13 (625 ILCS 5/11-208.9)

14 Sec. 11-208.9. Automated traffic law enforcement system;
15 approaching, overtaking, and passing a school bus.

16 (a) As used in this Section, "automated traffic law
17 enforcement system" means a device with one or more motor
18 vehicle sensors working in conjunction with the visual signals
19 on a school bus, as specified in Sections 12-803 and 12-805 of
20 this Code, to produce recorded images of motor vehicles that
21 fail to stop before meeting or overtaking, from either
22 direction, any school bus stopped at any location for the
23 purpose of receiving or discharging pupils in violation of
24 Section 11-1414 of this Code or a similar provision of a local
25 ordinance.

1 An automated traffic law enforcement system is a system,
2 in a municipality or county operated by a governmental agency,
3 that produces a recorded image of a motor vehicle's violation
4 of a provision of this Code or a local ordinance and is
5 designed to obtain a clear recorded image of the vehicle and
6 the vehicle's license plate. The recorded image must also
7 display the time, date, and location of the violation.

8 (b) As used in this Section, "recorded images" means
9 images recorded by an automated traffic law enforcement system
10 on:

11 (1) 2 or more photographs;

12 (2) 2 or more microphotographs;

13 (3) 2 or more electronic images; or

14 (4) a video recording showing the motor vehicle and,
15 on at least one image or portion of the recording, clearly
16 identifying the registration plate or digital registration
17 plate number of the motor vehicle.

18 (c) A municipality or county that produces a recorded
19 image of a motor vehicle's violation of a provision of this
20 Code or a local ordinance must make the recorded images of a
21 violation accessible to the alleged violator by providing the
22 alleged violator with a website address, accessible through
23 the Internet.

24 (d) For each violation of a provision of this Code or a
25 local ordinance recorded by an automated traffic law
26 enforcement system, the county or municipality having

1 jurisdiction shall issue a written notice of the violation to
2 the registered owner of the vehicle as the alleged violator.
3 The notice shall be delivered to the registered owner of the
4 vehicle, by mail, within 30 days after the Secretary of State
5 notifies the municipality or county of the identity of the
6 owner of the vehicle, but in no event later than 90 days after
7 the violation.

8 (e) The notice required under subsection (d) shall
9 include:

10 (1) the name and address of the registered owner of
11 the vehicle;

12 (2) the registration number of the motor vehicle
13 involved in the violation;

14 (3) the violation charged;

15 (4) the location where the violation occurred;

16 (5) the date and time of the violation;

17 (6) a copy of the recorded images;

18 (7) the amount of the civil penalty imposed and the
19 date by which the civil penalty should be paid;

20 (8) a statement that recorded images are evidence of a
21 violation of overtaking or passing a school bus stopped
22 for the purpose of receiving or discharging pupils;

23 (9) a warning that failure to pay the civil penalty or
24 to contest liability in a timely manner is an admission of
25 liability;

26 (10) a statement that the person may elect to proceed

1 by:

2 (A) paying the fine; or

3 (B) challenging the charge in court, by mail, or
4 by administrative hearing; and

5 (11) a website address, accessible through the
6 Internet, where the person may view the recorded images of
7 the violation.

8 (f) (Blank).

9 (g) Based on inspection of recorded images produced by an
10 automated traffic law enforcement system, a notice alleging
11 that the violation occurred shall be evidence of the facts
12 contained in the notice and admissible in any proceeding
13 alleging a violation under this Section.

14 (h) Recorded images made by an automated traffic law
15 enforcement system are confidential and shall be made
16 available only to the alleged violator and governmental and
17 law enforcement agencies for purposes of adjudicating a
18 violation of this Section, for statistical purposes, or for
19 other governmental purposes. Any recorded image evidencing a
20 violation of this Section, however, may be admissible in any
21 proceeding resulting from the issuance of the citation.

22 (i) The court or hearing officer may consider in defense
23 of a violation:

24 (1) that the motor vehicle or registration plates or
25 digital registration plates of the motor vehicle were
26 stolen before the violation occurred and not under the

1 control of or in the possession of the owner at the time of
2 the violation;

3 (2) that the driver of the motor vehicle received a
4 Uniform Traffic Citation from a police officer for a
5 violation of Section 11-1414 of this Code within
6 one-eighth of a mile and 15 minutes of the violation that
7 was recorded by the system;

8 (3) that the visual signals required by Sections
9 12-803 and 12-805 of this Code were damaged, not
10 activated, not present in violation of Sections 12-803 and
11 12-805, or inoperable; and

12 (4) any other evidence or issues provided by municipal
13 or county ordinance.

14 (j) To demonstrate that the motor vehicle or the
15 registration plates or digital registration plates were stolen
16 before the violation occurred and were not under the control
17 or possession of the owner at the time of the violation, the
18 owner must submit proof that a report concerning the stolen
19 motor vehicle or registration plates was filed with a law
20 enforcement agency in a timely manner.

21 (k) Unless the driver of the motor vehicle received a
22 Uniform Traffic Citation from a police officer at the time of
23 the violation, the motor vehicle owner is subject to a civil
24 penalty not exceeding \$150 for a first time violation or \$500
25 for a second or subsequent violation, plus an additional
26 penalty of not more than \$100 for failure to pay the original

1 penalty in a timely manner, if the motor vehicle is recorded by
2 an automated traffic law enforcement system. A violation for
3 which a civil penalty is imposed under this Section is not a
4 violation of a traffic regulation governing the movement of
5 vehicles and may not be recorded on the driving record of the
6 owner of the vehicle, but may be recorded by the municipality
7 or county for the purpose of determining if a person is subject
8 to the higher fine for a second or subsequent offense.

9 (l) A school bus equipped with an automated traffic law
10 enforcement system must be posted with a sign indicating that
11 the school bus is being monitored by an automated traffic law
12 enforcement system.

13 (m) A municipality or county that has one or more school
14 buses equipped with an automated traffic law enforcement
15 system must provide notice to drivers by posting a list of
16 school districts using school buses equipped with an automated
17 traffic law enforcement system on the municipality or county
18 website. School districts that have one or more school buses
19 equipped with an automated traffic law enforcement system must
20 provide notice to drivers by posting that information on their
21 websites.

22 (n) A municipality or county operating an automated
23 traffic law enforcement system shall conduct a statistical
24 analysis to assess the safety impact in each school district
25 using school buses equipped with an automated traffic law
26 enforcement system following installation of the system. The

1 statistical analysis shall be based upon the best available
2 crash, traffic, and other data, and shall cover a period of
3 time before and after installation of the system sufficient to
4 provide a statistically valid comparison of safety impact. The
5 statistical analysis shall be consistent with professional
6 judgment and acceptable industry practice. The statistical
7 analysis also shall be consistent with the data required for
8 valid comparisons of before and after conditions and shall be
9 conducted within a reasonable period following the
10 installation of the automated traffic law enforcement system.
11 The statistical analysis required by this subsection shall be
12 made available to the public and shall be published on the
13 website of the municipality or county. If the statistical
14 analysis for the 36-month period following installation of the
15 system indicates that there has been an increase in the rate of
16 crashes ~~accidents~~ at the approach to school buses monitored by
17 the system, the municipality or county shall undertake
18 additional studies to determine the cause and severity of the
19 crashes ~~accidents~~, and may take any action that it determines
20 is necessary or appropriate to reduce the number or severity
21 of the crashes ~~accidents~~ involving school buses equipped with
22 an automated traffic law enforcement system.

23 (o) The compensation paid for an automated traffic law
24 enforcement system must be based on the value of the equipment
25 or the services provided and may not be based on the number of
26 traffic citations issued or the revenue generated by the

1 system.

2 (p) No person who is the lessor of a motor vehicle pursuant
3 to a written lease agreement shall be liable for an automated
4 speed or traffic law enforcement system violation involving
5 such motor vehicle during the period of the lease; provided
6 that upon the request of the appropriate authority received
7 within 120 days after the violation occurred, the lessor
8 provides within 60 days after such receipt the name and
9 address of the lessee.

10 Upon the provision of information by the lessor pursuant
11 to this subsection, the county or municipality may issue the
12 violation to the lessee of the vehicle in the same manner as it
13 would issue a violation to a registered owner of a vehicle
14 pursuant to this Section, and the lessee may be held liable for
15 the violation.

16 (q) (Blank).

17 (r) After a municipality or county enacts an ordinance
18 providing for automated traffic law enforcement systems under
19 this Section, each school district within that municipality or
20 county's jurisdiction may implement an automated traffic law
21 enforcement system under this Section. The elected school
22 board for that district must approve the implementation of an
23 automated traffic law enforcement system. The school district
24 shall be responsible for entering into a contract, approved by
25 the elected school board of that district, with vendors for
26 the installation, maintenance, and operation of the automated

1 traffic law enforcement system. The school district must enter
2 into an intergovernmental agreement, approved by the elected
3 school board of that district, with the municipality or county
4 with jurisdiction over that school district for the
5 administration of the automated traffic law enforcement
6 system. The proceeds from a school district's automated
7 traffic law enforcement system's fines shall be divided
8 equally between the school district and the municipality or
9 county administering the automated traffic law enforcement
10 system.

11 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

12 (625 ILCS 5/Ch. 11 Art. IV heading)

13 ARTICLE IV. CRASHES ~~ACCIDENTS~~

14 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

15 Sec. 11-401. Motor vehicle crashes ~~accidents~~ involving
16 death or personal injuries.

17 (a) The driver of any vehicle involved in a motor vehicle
18 crashes ~~accident~~ resulting in personal injury to or death of
19 any person shall immediately stop such vehicle at the scene of
20 such crash ~~accident~~, or as close thereto as possible and shall
21 then forthwith return to, and in every event shall remain at
22 the scene of the crash ~~accident~~ until the requirements of
23 Section 11-403 have been fulfilled. Every such stop shall be
24 made without obstructing traffic more than is necessary.

1 (b) Any person who has failed to stop or to comply with the
2 requirements of paragraph (a) shall, as soon as possible but
3 in no case later than one-half hour after such motor vehicle
4 crash ~~accident~~, or, if hospitalized and incapacitated from
5 reporting at any time during such period, as soon as possible
6 but in no case later than one-half hour after being discharged
7 from the hospital, report the place of the crash ~~accident~~, the
8 date, the approximate time, the driver's name and address, the
9 registration number of the vehicle driven, and the names of
10 all other occupants of such vehicle, at a police station or
11 sheriff's office near the place where such crash ~~accident~~
12 occurred. No report made as required under this paragraph
13 shall be used, directly or indirectly, as a basis for the
14 prosecution of any violation of paragraph (a).

15 (b-1) Any person arrested for violating this Section is
16 subject to chemical testing of his or her blood, breath, other
17 bodily substance, or urine for the presence of alcohol, other
18 drug or drugs, intoxicating compound or compounds, or any
19 combination thereof, as provided in Section 11-501.1, if the
20 testing occurs within 12 hours of the time of the occurrence of
21 the crash ~~accident~~ that led to his or her arrest. The person's
22 driving privileges are subject to statutory summary suspension
23 under Section 11-501.1 if he or she fails testing or statutory
24 summary revocation under Section 11-501.1 if he or she refuses
25 to undergo the testing.

26 For purposes of this Section, personal injury shall mean

1 any injury requiring immediate professional treatment in a
2 medical facility or doctor's office.

3 (c) Any person failing to comply with paragraph (a) shall
4 be guilty of a Class 4 felony.

5 (d) Any person failing to comply with paragraph (b) is
6 guilty of a Class 2 felony if the motor vehicle crash ~~accident~~
7 does not result in the death of any person. Any person failing
8 to comply with paragraph (b) when the crash ~~accident~~ results
9 in the death of any person is guilty of a Class 1 felony.

10 (e) The Secretary of State shall revoke the driving
11 privilege of any person convicted of a violation of this
12 Section.

13 (Source: P.A. 99-697, eff. 7-29-16.)

14 (625 ILCS 5/11-402) (from Ch. 95 1/2, par. 11-402)

15 Sec. 11-402. Motor vehicle crash ~~accident~~ involving damage
16 to vehicle.

17 (a) The driver of any vehicle involved in a motor vehicle
18 crash ~~accident~~ resulting only in damage to a vehicle which is
19 driven or attended by any person shall immediately stop such
20 vehicle at the scene of such motor vehicle crash ~~accident~~ or as
21 close thereto as possible, but shall forthwith return to and
22 in every event shall remain at the scene of such motor vehicle
23 crash ~~accident~~ until the requirements of Section 11-403 have
24 been fulfilled. A driver does not violate this Section if the
25 driver moves the vehicle as soon as possible off the highway to

1 the nearest safe location on an exit ramp shoulder, a frontage
2 road, the nearest suitable cross street, or other suitable
3 location that does not obstruct traffic and remains at that
4 location until the driver has fulfilled the requirements of
5 Section 11-403. Every such stop shall be made without
6 obstructing traffic more than is necessary. If a damaged
7 vehicle is obstructing traffic lanes, the driver of the
8 vehicle must make every reasonable effort to move the vehicle
9 or have it moved so as not to block the traffic lanes.

10 Any person failing to comply with this Section shall be
11 guilty of a Class A misdemeanor.

12 (b) Upon conviction of a violation of this Section, the
13 court shall make a finding as to whether the damage to a
14 vehicle is in excess of \$1,000, and in such case a statement of
15 this finding shall be reported to the Secretary of State with
16 the report of conviction as required by Section 6-204 of this
17 Code. Upon receipt of such report of conviction and statement
18 of finding that the damage to a vehicle is in excess of \$1,000,
19 the Secretary of State shall suspend the driver's license or
20 any nonresident's driving privilege.

21 (c) If any peace officer or highway authority official
22 finds (i) a vehicle standing upon a highway or toll highway in
23 violation of a prohibition, limitation, or restriction on
24 stopping, standing, or parking imposed under this Code or (ii)
25 a disabled vehicle that obstructs the roadway of a highway or
26 toll highway, the peace officer or highway authority official

1 is authorized to move the vehicle or to require the operator of
2 the vehicle to move the vehicle to the shoulder of the road, to
3 a position where parking is permitted, or to public parking or
4 storage premises. The removal may be performed by, or under
5 the direction of, the peace officer or highway authority
6 official or may be contracted for by local authorities. After
7 the vehicle has been removed, the peace officer or highway
8 authority official shall follow appropriate procedures, as
9 provided in Section 4-203 of this Code.

10 (d) A towing service, its officers, and its employees are
11 not liable for loss of or damages to any real or personal
12 property that occurs as the result of the removal or towing of
13 any vehicle under subsection (c), as provided in subsection
14 (b) of Section 4-213.

15 (Source: P.A. 97-763, eff. 1-1-13.)

16 (625 ILCS 5/11-403) (from Ch. 95 1/2, par. 11-403)

17 Sec. 11-403. Duty to give information and render aid. The
18 driver of any vehicle involved in a motor vehicle crash
19 ~~accident~~ resulting in injury to or death of any person or
20 damage to any vehicle which is driven or attended by any person
21 shall give the driver's name, address, registration number and
22 owner of the vehicle the driver is operating and shall upon
23 request and if available exhibit such driver's license to the
24 person struck or the driver or occupant of or person attending
25 any vehicle collided with and shall render to any person

1 injured in such crash ~~accident~~ reasonable assistance,
2 including the carrying or the making of arrangements for the
3 carrying of such person to a physician, surgeon or hospital
4 for medical or surgical treatment, if it is apparent that such
5 treatment is necessary or if such carrying is requested by the
6 injured person.

7 If none of the persons entitled to information pursuant to
8 this Section is in condition to receive and understand such
9 information and no police officer is present, such driver
10 after rendering reasonable assistance shall forthwith report
11 such motor vehicle crash ~~accident~~ at the nearest office of a
12 duly authorized police authority, disclosing the information
13 required by this Section.

14 Any person failing to comply with this Section shall be
15 guilty of a Class A misdemeanor.

16 (Source: P.A. 83-831.)

17 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

18 Sec. 11-404. Duty upon damaging unattended vehicle or
19 other property.

20 (a) The driver of any vehicle which collides with or is
21 involved in a motor vehicle crash ~~accident~~ with any vehicle
22 which is unattended, or other property, resulting in any
23 damage to such other vehicle or property shall immediately
24 stop and shall then and there either locate and notify the
25 operator or owner of such vehicle or other property of the

1 driver's name, address, registration number and owner of the
2 vehicle the driver was operating or shall attach securely in a
3 conspicuous place on or in the vehicle or other property
4 struck a written notice giving the driver's name, address,
5 registration number and owner of the vehicle the driver was
6 driving and shall without unnecessary delay notify the nearest
7 office of a duly authorized police authority and shall make a
8 written report of such crash ~~accident~~ when and as required in
9 Section 11-406. Every such stop shall be made without
10 obstructing traffic more than is necessary. If a damaged
11 vehicle is obstructing traffic lanes, the driver of the
12 vehicle must make every reasonable effort to move the vehicle
13 or have it moved so as not to block the traffic lanes.

14 (b) Any person failing to comply with this Section shall
15 be guilty of a Class A misdemeanor.

16 (c) If any peace officer or highway authority official
17 finds (i) a vehicle standing upon a highway or toll highway in
18 violation of a prohibition, limitation, or restriction on
19 stopping, standing, or parking imposed under this Code or (ii)
20 a disabled vehicle that obstructs the roadway of a highway or
21 toll highway, the peace officer or highway authority official
22 is authorized to move the vehicle or to require the operator of
23 the vehicle to move the vehicle to the shoulder of the road, to
24 a position where parking is permitted, or to public parking or
25 storage premises. The removal may be performed by, or under
26 the direction of, the peace officer or highway authority

1 official or may be contracted for by local authorities. After
2 the vehicle has been removed, the peace officer or highway
3 authority official shall follow appropriate procedures, as
4 provided in Section 4-203 of this Code.

5 (d) A towing service, its officers, and its employees are
6 not liable for loss of or damages to any real or personal
7 property that occurs as the result of the removal or towing of
8 any vehicle under subsection (c), as provided in subsection
9 (b) of Section 4-213.

10 (Source: P.A. 95-407, eff. 1-1-08.)

11 (625 ILCS 5/11-407) (from Ch. 95 1/2, par. 11-407)

12 Sec. 11-407. Immediate notice of crash ~~accident~~.

13 (a) The driver of a vehicle which is in any manner involved
14 in a crash ~~an accident~~ described in Section 11-406 of this
15 Chapter shall, if no police officer is present, give notice of
16 the crash ~~accident~~ by the fastest available means of
17 communication to the local police department if such crash
18 ~~accident~~ occurs within a municipality or otherwise to the
19 nearest office of the county sheriff or nearest headquarters
20 of the Illinois State Police.

21 (b) Whenever the driver of a vehicle is physically
22 incapable of giving immediate notice of a crash ~~an accident~~ as
23 required in Subsection (a) and there was another occupant in
24 the vehicle at the time of the crash ~~accident~~ capable of doing
25 so, that occupant must give notice as required in Subsection

1 (a).

2 (Source: P.A. 76-2163.)

3 (625 ILCS 5/11-408) (from Ch. 95 1/2, par. 11-408)

4 Sec. 11-408. Police to report motor vehicle crash ~~accident~~
5 investigations.

6 (a) Every law enforcement officer who investigates a motor
7 vehicle crash ~~accident~~ for which a report is required by this
8 Article or who prepares a written report as a result of an
9 investigation either at the time and scene of such motor
10 vehicle crash ~~accident~~ or thereafter by interviewing
11 participants or witnesses shall forward a written report of
12 such motor vehicle crash ~~accident~~ to the Administrator on
13 forms provided by the Administrator under Section 11-411
14 within 10 days after investigation of the motor vehicle crash
15 ~~accident~~, or within such other time as is prescribed by the
16 Administrator. Such written reports and the information
17 contained in those reports required to be forwarded by law
18 enforcement officers shall not be held confidential by the
19 reporting law enforcement officer or agency. The Secretary of
20 State may also disclose notations of crash ~~accident~~
21 involvement maintained on individual driving records. However,
22 the Administrator or the Secretary of State may require a
23 supplemental written report from the reporting law enforcement
24 officer.

25 (b) The Department at its discretion may require a

1 supplemental written report from the reporting law enforcement
2 officer on a form supplied by the Department to be submitted
3 directly to the Department. Such supplemental report may be
4 used only for crash ~~accident~~ studies and statistical or
5 analytical purposes under Section 11-412 or 11-414 of this
6 Code.

7 (c) The Department at its discretion may provide for
8 in-depth investigations of crashes ~~accidents~~ involving
9 Department employees or other motor vehicle crashes ~~accidents~~
10 by individuals or special investigation groups, including but
11 not limited to police officers, photographers, engineers,
12 doctors, mechanics, and as a result of the investigation may
13 require the submission of written reports, photographs,
14 charts, sketches, graphs, or a combination of all. Such
15 individual written reports, photographs, charts, sketches, or
16 graphs may be used only for crash ~~accident~~ studies and
17 statistical or analytical purposes under Section 11-412 or
18 11-414 of this Code.

19 (d) On and after July 1, 1997, law enforcement officers
20 who have reason to suspect that the motor vehicle crash
21 ~~accident~~ was the result of a driver's loss of consciousness
22 due to a medical condition, as defined by the Driver's License
23 Medical Review Law of 1992, or the result of any medical
24 condition that impaired the driver's ability to safely operate
25 a motor vehicle shall notify the Secretary of this
26 determination. The Secretary, in conjunction with the Driver's

1 License Medical Advisory Board, shall determine by
2 administrative rule the temporary conditions not required to
3 be reported under the provisions of this Section. The
4 Secretary shall, in conjunction with the Illinois State Police
5 and representatives of local and county law enforcement
6 agencies, promulgate any rules necessary and develop the
7 procedures and documents that may be required to obtain
8 written, electronic, or other agreed upon methods of
9 notification to implement the provisions of this Section.

10 (e) Law enforcement officers reporting under the
11 provisions of subsection (d) of this Section shall enjoy the
12 same immunities granted members of the Driver's License
13 Medical Advisory Board under Section 6-910 of this Code.

14 (f) All information furnished to the Secretary under
15 subsection (d) of this Section shall be deemed confidential
16 and for the privileged use of the Secretary in accordance with
17 the provisions of subsection (j) of Section 2-123 of this
18 Code.

19 (Source: P.A. 100-96, eff. 1-1-18.)

20 (625 ILCS 5/11-409) (from Ch. 95 1/2, par. 11-409)

21 Sec. 11-409. False motor vehicle crash ~~accident~~ reports or
22 notices. Any person who provides information in an oral or
23 written report required by this Code with knowledge or reason
24 to believe that such information is false shall be guilty of a
25 Class C misdemeanor.

1 (Source: P.A. 83-831.)

2 (625 ILCS 5/11-411) (from Ch. 95 1/2, par. 11-411)

3 Sec. 11-411. Crash ~~Accident~~ report forms.

4 (a) The Administrator must prepare and upon request supply
5 to police departments, sheriffs and other appropriate agencies
6 or individuals, forms for written crash ~~accident~~ reports as
7 required hereunder, suitable with respect to the persons
8 required to make such reports and the purposes to be served.
9 The written reports must call for sufficiently detailed
10 information to disclose with reference to a vehicle crash
11 ~~accident~~ the cause, conditions then existing, and the persons
12 and vehicles involved or any other data concerning such crash
13 ~~accident~~ that may be required for a complete analysis of all
14 related circumstances and events leading to the crash ~~accident~~
15 or subsequent to the occurrence.

16 (b) Every crash ~~accident~~ report required to be made in
17 writing must be made on an approved form or in an approved
18 electronic format provided by the Administrator and must
19 contain all the information required therein unless that
20 information is not available. The Department shall adopt any
21 rules necessary to implement this subsection (b).

22 (c) Should special crash ~~accident~~ studies be required by
23 the Administrator, the Administrator may provide the
24 supplemental forms for the special studies.

25 (Source: P.A. 100-96, eff. 1-1-18.)

1 (625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)

2 Sec. 11-412. Motor vehicle crash ~~accident~~ reports
3 confidential.

4 (a) All required written motor vehicle crash ~~accident~~
5 reports and supplemental reports shall be without prejudice to
6 the individual so reporting and shall be for the confidential
7 use of the Department and the Secretary of State and, in the
8 case of second division vehicles operated under certificate of
9 convenience and necessity issued by the Illinois Commerce
10 Commission, of the Commission, except that the Administrator
11 or the Secretary of State or the Commission may disclose the
12 identity of a person involved in a motor vehicle crash
13 ~~accident~~ when such identity is not otherwise known or when
14 such person denies his presence at such motor vehicle crash
15 ~~accident~~ and the Department shall disclose the identity of the
16 insurance carrier, if any, upon demand. The Secretary of State
17 may also disclose notations of crash ~~accident~~ involvement
18 maintained on individual driving records.

19 (b) Upon written request, the Department shall furnish
20 copies of its written crash ~~accident~~ reports or any
21 supplemental reports to federal, State, and local agencies
22 that are engaged in highway safety research and studies and to
23 any person or entity that has a contractual agreement with the
24 Department or a federal, State, or local agency to complete a
25 highway safety research and study for the Department or the

1 federal, State, or local agency. Reports furnished to any
2 agency, person, or entity other than the Secretary of State or
3 the Illinois Commerce Commission may be used only for
4 statistical or analytical purposes and shall be held
5 confidential by that agency, person, or entity. These reports
6 shall be exempt from inspection and copying under the Freedom
7 of Information Act and shall not be used as evidence in any
8 trial, civil or criminal, arising out of a motor vehicle crash
9 ~~accident~~, except that the Administrator shall furnish upon
10 demand of any person who has, or claims to have, made such a
11 written or supplemental report, or upon demand of any court, a
12 certificate showing that a specified written crash ~~accident~~
13 report or supplemental report has or has not been made to the
14 Administrator solely to prove a compliance or a failure to
15 comply with the requirement that such a written or
16 supplemental report be made to the Administrator.

17 (c) Upon written request, the Department shall furnish
18 motor vehicle crash ~~accident~~ data to a federal, State, or
19 local agency, the Secretary of State, the Illinois Commerce
20 Commission, or any other person or entity under Section 11-417
21 of this Code.

22 (d) The Department at its discretion may provide for
23 in-depth investigations of crashes ~~accidents~~ involving
24 Department employees or other motor vehicle crashes ~~accidents~~.
25 A written report describing the preventability of such a crash
26 ~~an accident~~ may be prepared to enhance the safety of

1 Department employees or the traveling public. Such reports and
2 the information contained in those reports and any opinions
3 expressed in the review of the crash ~~accident~~ as to the
4 preventability of the crash ~~accident~~ shall be for the
5 privileged use of the Department and held confidential and
6 shall not be obtainable or used in any civil or criminal
7 proceeding.

8 (Source: P.A. 100-96, eff. 1-1-18.)

9 (625 ILCS 5/11-413) (from Ch. 95 1/2, par. 11-413)

10 Sec. 11-413. Coroners to report. All coroners shall on or
11 before the 10th day of each month report in writing to the
12 Administrator the death of any person within their respective
13 jurisdiction, during the preceding calendar month, as the
14 result of a traffic crash ~~accident~~ giving the time and place of
15 the crash ~~accident~~ and the circumstances relating thereto.

16 (Source: P.A. 83-831.)

17 (625 ILCS 5/11-414) (from Ch. 95 1/2, par. 11-414)

18 Sec. 11-414. Department to tabulate and analyze motor
19 vehicle crash ~~accident~~ reports. The Department shall tabulate
20 and may analyze all written motor vehicle crash ~~accident~~
21 reports received in compliance with this Code and shall
22 publish annually or at more frequent intervals motor vehicle
23 crash ~~accident~~ data. The Department:

24 1. (blank);

1 2. shall, upon written request, make available to the
2 public motor vehicle crash ~~accident~~ data that shall be
3 distributed under Sections 11-412 and 11-417 of this Code;

4 3. may conduct special investigations of motor vehicle
5 crashes ~~accidents~~ and may solicit supplementary reports
6 from drivers, owners, police departments, sheriffs,
7 coroners, or any other individual. Failure of any
8 individual to submit a supplementary report subjects such
9 individual to the same penalties for failure to report as
10 designated under Section 11-406.

11 (Source: P.A. 100-96, eff. 1-1-18.)

12 (625 ILCS 5/11-415) (from Ch. 95 1/2, par. 11-415)

13 Sec. 11-415. Municipalities may require traffic crash
14 ~~accident~~ reports. Municipalities may by ordinance require that
15 the driver or owner of a vehicle involved in a traffic crash
16 ~~accident~~ file with the designated municipal office a written
17 report of such crash ~~accident~~. All such reports shall be for
18 the confidential use of the municipal office and subject to
19 the provisions of Section 11-412.

20 (Source: P.A. 83-831.)

21 (625 ILCS 5/11-416) (from Ch. 95 1/2, par. 11-416)

22 Sec. 11-416. Furnishing copies - Fees. The Illinois State
23 Police may furnish copies of an Illinois State Police Traffic
24 Crash ~~Accident~~ Report that has been investigated by the

1 Illinois State Police and shall be paid a fee of \$5 for each
2 such copy, or in the case of a crash ~~an accident~~ which was
3 investigated by a crash ~~an accident~~ reconstruction officer or
4 crash ~~accident~~ reconstruction team, a fee of \$20 shall be
5 paid. These fees shall be deposited into the State Police
6 Services Fund.

7 Other State law enforcement agencies or law enforcement
8 agencies of local authorities may furnish copies of traffic
9 crash ~~accident~~ reports prepared by such agencies and may
10 receive a fee not to exceed \$5 for each copy or in the case of
11 a crash ~~an accident~~ which was investigated by a crash ~~an~~
12 ~~accident~~ reconstruction officer or crash ~~accident~~
13 reconstruction team, the State or local law enforcement agency
14 may receive a fee not to exceed \$20.

15 Any written crash ~~accident~~ report required or requested to
16 be furnished the Administrator shall be provided without cost
17 or fee charges authorized under this Section or any other
18 provision of law.

19 (Source: P.A. 101-571, eff. 8-23-19; 102-538, eff. 8-20-21.)

20 (625 ILCS 5/11-417)

21 Sec. 11-417. Motor vehicle crash ~~accident~~ report and motor
22 vehicle crash ~~accident~~ data.

23 (a) Upon written request and payment of the required fee,
24 the Department shall make available to the public motor
25 vehicle crash ~~accident~~ data received in compliance with this

1 Code. The Department shall adopt any rules necessary to
2 establish a fee schedule for motor vehicle crash ~~accident~~ data
3 made available under Section 11-414 of this Code.

4 (b) The Department shall provide copies of a written motor
5 vehicle crash ~~accident~~ report or motor vehicle crash ~~accident~~
6 data without any cost or fees authorized under any provision
7 of law to a federal, State, or local agency, the Secretary of
8 State, the Illinois Commerce Commission, or any other person
9 or entity that has a contractual agreement with the Department
10 or a federal, State, or local agency to complete a highway
11 safety research and study for the Department or the federal,
12 State, or local agency.

13 (c) All fees collected under this Section shall be placed
14 in the Road Fund to be used, subject to appropriation, for the
15 costs associated with motor vehicle crash ~~accident~~ records and
16 motor vehicle crash ~~accident~~ data.

17 (Source: P.A. 100-96, eff. 1-1-18.)

18 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

19 Sec. 11-501. Driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or any
21 combination thereof.

22 (a) A person shall not drive or be in actual physical
23 control of any vehicle within this State while:

24 (1) the alcohol concentration in the person's blood,
25 other bodily substance, or breath is 0.08 or more based on

1 the definition of blood and breath units in Section
2 11-501.2;

3 (2) under the influence of alcohol;

4 (3) under the influence of any intoxicating compound
5 or combination of intoxicating compounds to a degree that
6 renders the person incapable of driving safely;

7 (4) under the influence of any other drug or
8 combination of drugs to a degree that renders the person
9 incapable of safely driving;

10 (5) under the combined influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds to a
12 degree that renders the person incapable of safely
13 driving;

14 (6) there is any amount of a drug, substance, or
15 compound in the person's breath, blood, other bodily
16 substance, or urine resulting from the unlawful use or
17 consumption of a controlled substance listed in the
18 Illinois Controlled Substances Act, an intoxicating
19 compound listed in the Use of Intoxicating Compounds Act,
20 or methamphetamine as listed in the Methamphetamine
21 Control and Community Protection Act; or

22 (7) the person has, within 2 hours of driving or being
23 in actual physical control of a vehicle, a
24 tetrahydrocannabinol concentration in the person's whole
25 blood or other bodily substance as defined in paragraph 6
26 of subsection (a) of Section 11-501.2 of this Code.

1 Subject to all other requirements and provisions under
2 this Section, this paragraph (7) does not apply to the
3 lawful consumption of cannabis by a qualifying patient
4 licensed under the Compassionate Use of Medical Cannabis
5 Program Act who is in possession of a valid registry card
6 issued under that Act, unless that person is impaired by
7 the use of cannabis.

8 (b) The fact that any person charged with violating this
9 Section is or has been legally entitled to use alcohol,
10 cannabis under the Compassionate Use of Medical Cannabis
11 Program Act, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof, shall not constitute a
13 defense against any charge of violating this Section.

14 (c) Penalties.

15 (1) Except as otherwise provided in this Section, any
16 person convicted of violating subsection (a) of this
17 Section is guilty of a Class A misdemeanor.

18 (2) A person who violates subsection (a) or a similar
19 provision a second time shall be sentenced to a mandatory
20 minimum term of either 5 days of imprisonment or 240 hours
21 of community service in addition to any other criminal or
22 administrative sanction.

23 (3) A person who violates subsection (a) is subject to
24 6 months of imprisonment, an additional mandatory minimum
25 fine of \$1,000, and 25 days of community service in a
26 program benefiting children if the person was transporting

1 a person under the age of 16 at the time of the violation.

2 (4) A person who violates subsection (a) a first time,
3 if the alcohol concentration in his or her blood, breath,
4 other bodily substance, or urine was 0.16 or more based on
5 the definition of blood, breath, other bodily substance,
6 or urine units in Section 11-501.2, shall be subject, in
7 addition to any other penalty that may be imposed, to a
8 mandatory minimum of 100 hours of community service and a
9 mandatory minimum fine of \$500.

10 (5) A person who violates subsection (a) a second
11 time, if at the time of the second violation the alcohol
12 concentration in his or her blood, breath, other bodily
13 substance, or urine was 0.16 or more based on the
14 definition of blood, breath, other bodily substance, or
15 urine units in Section 11-501.2, shall be subject, in
16 addition to any other penalty that may be imposed, to a
17 mandatory minimum of 2 days of imprisonment and a
18 mandatory minimum fine of \$1,250.

19 (d) Aggravated driving under the influence of alcohol,
20 other drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof.

22 (1) Every person convicted of committing a violation
23 of this Section shall be guilty of aggravated driving
24 under the influence of alcohol, other drug or drugs, or
25 intoxicating compound or compounds, or any combination
26 thereof if:

1 (A) the person committed a violation of subsection
2 (a) or a similar provision for the third or subsequent
3 time;

4 (B) the person committed a violation of subsection
5 (a) while driving a school bus with one or more
6 passengers on board;

7 (C) the person in committing a violation of
8 subsection (a) was involved in a motor vehicle crash
9 ~~accident~~ that resulted in great bodily harm or
10 permanent disability or disfigurement to another, when
11 the violation was a proximate cause of the injuries;

12 (D) the person committed a violation of subsection
13 (a) and has been previously convicted of violating
14 Section 9-3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 or a similar provision of a law
16 of another state relating to reckless homicide in
17 which the person was determined to have been under the
18 influence of alcohol, other drug or drugs, or
19 intoxicating compound or compounds as an element of
20 the offense or the person has previously been
21 convicted under subparagraph (C) or subparagraph (F)
22 of this paragraph (1);

23 (E) the person, in committing a violation of
24 subsection (a) while driving at any speed in a school
25 speed zone at a time when a speed limit of 20 miles per
26 hour was in effect under subsection (a) of Section

1 11-605 of this Code, was involved in a motor vehicle
2 crash ~~accident~~ that resulted in bodily harm, other
3 than great bodily harm or permanent disability or
4 disfigurement, to another person, when the violation
5 of subsection (a) was a proximate cause of the bodily
6 harm;

7 (F) the person, in committing a violation of
8 subsection (a), was involved in a motor vehicle crash
9 or, snowmobile, all-terrain vehicle, or watercraft
10 accident that resulted in the death of another person,
11 when the violation of subsection (a) was a proximate
12 cause of the death;

13 (G) the person committed a violation of subsection
14 (a) during a period in which the defendant's driving
15 privileges are revoked or suspended, where the
16 revocation or suspension was for a violation of
17 subsection (a) or a similar provision, Section
18 11-501.1, paragraph (b) of Section 11-401, or for
19 reckless homicide as defined in Section 9-3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012;

21 (H) the person committed the violation while he or
22 she did not possess a driver's license or permit or a
23 restricted driving permit or a judicial driving permit
24 or a monitoring device driving permit;

25 (I) the person committed the violation while he or
26 she knew or should have known that the vehicle he or

1 she was driving was not covered by a liability
2 insurance policy;

3 (J) the person in committing a violation of
4 subsection (a) was involved in a motor vehicle crash
5 ~~accident~~ that resulted in bodily harm, but not great
6 bodily harm, to the child under the age of 16 being
7 transported by the person, if the violation was the
8 proximate cause of the injury;

9 (K) the person in committing a second violation of
10 subsection (a) or a similar provision was transporting
11 a person under the age of 16; or

12 (L) the person committed a violation of subsection
13 (a) of this Section while transporting one or more
14 passengers in a vehicle for-hire.

15 (2) (A) Except as provided otherwise, a person
16 convicted of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof is guilty of a Class
19 4 felony.

20 (B) A third violation of this Section or a similar
21 provision is a Class 2 felony. If at the time of the third
22 violation the alcohol concentration in his or her blood,
23 breath, other bodily substance, or urine was 0.16 or more
24 based on the definition of blood, breath, other bodily
25 substance, or urine units in Section 11-501.2, a mandatory
26 minimum of 90 days of imprisonment and a mandatory minimum

1 fine of \$2,500 shall be imposed in addition to any other
2 criminal or administrative sanction. If at the time of the
3 third violation, the defendant was transporting a person
4 under the age of 16, a mandatory fine of \$25,000 and 25
5 days of community service in a program benefiting children
6 shall be imposed in addition to any other criminal or
7 administrative sanction.

8 (C) A fourth violation of this Section or a similar
9 provision is a Class 2 felony, for which a sentence of
10 probation or conditional discharge may not be imposed. If
11 at the time of the violation, the alcohol concentration in
12 the defendant's blood, breath, other bodily substance, or
13 urine was 0.16 or more based on the definition of blood,
14 breath, other bodily substance, or urine units in Section
15 11-501.2, a mandatory minimum fine of \$5,000 shall be
16 imposed in addition to any other criminal or
17 administrative sanction. If at the time of the fourth
18 violation, the defendant was transporting a person under
19 the age of 16 a mandatory fine of \$25,000 and 25 days of
20 community service in a program benefiting children shall
21 be imposed in addition to any other criminal or
22 administrative sanction.

23 (D) A fifth violation of this Section or a similar
24 provision is a Class 1 felony, for which a sentence of
25 probation or conditional discharge may not be imposed. If
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, other bodily substance, or
2 urine was 0.16 or more based on the definition of blood,
3 breath, other bodily substance, or urine units in Section
4 11-501.2, a mandatory minimum fine of \$5,000 shall be
5 imposed in addition to any other criminal or
6 administrative sanction. If at the time of the fifth
7 violation, the defendant was transporting a person under
8 the age of 16, a mandatory fine of \$25,000, and 25 days of
9 community service in a program benefiting children shall
10 be imposed in addition to any other criminal or
11 administrative sanction.

12 (E) A sixth or subsequent violation of this Section or
13 similar provision is a Class X felony. If at the time of
14 the violation, the alcohol concentration in the
15 defendant's blood, breath, other bodily substance, or
16 urine was 0.16 or more based on the definition of blood,
17 breath, other bodily substance, or urine units in Section
18 11-501.2, a mandatory minimum fine of \$5,000 shall be
19 imposed in addition to any other criminal or
20 administrative sanction. If at the time of the violation,
21 the defendant was transporting a person under the age of
22 16, a mandatory fine of \$25,000 and 25 days of community
23 service in a program benefiting children shall be imposed
24 in addition to any other criminal or administrative
25 sanction.

26 (F) For a violation of subparagraph (C) of paragraph

1 (1) of this subsection (d), the defendant, if sentenced to
2 a term of imprisonment, shall be sentenced to not less
3 than one year nor more than 12 years.

4 (G) A violation of subparagraph (F) of paragraph (1)
5 of this subsection (d) is a Class 2 felony, for which the
6 defendant, unless the court determines that extraordinary
7 circumstances exist and require probation, shall be
8 sentenced to: (i) a term of imprisonment of not less than 3
9 years and not more than 14 years if the violation resulted
10 in the death of one person; or (ii) a term of imprisonment
11 of not less than 6 years and not more than 28 years if the
12 violation resulted in the deaths of 2 or more persons.

13 (H) For a violation of subparagraph (J) of paragraph
14 (1) of this subsection (d), a mandatory fine of \$2,500,
15 and 25 days of community service in a program benefiting
16 children shall be imposed in addition to any other
17 criminal or administrative sanction.

18 (I) A violation of subparagraph (K) of paragraph (1)
19 of this subsection (d), is a Class 2 felony and a mandatory
20 fine of \$2,500, and 25 days of community service in a
21 program benefiting children shall be imposed in addition
22 to any other criminal or administrative sanction. If the
23 child being transported suffered bodily harm, but not
24 great bodily harm, in a motor vehicle crash ~~accident~~, and
25 the violation was the proximate cause of that injury, a
26 mandatory fine of \$5,000 and 25 days of community service

1 in a program benefiting children shall be imposed in
2 addition to any other criminal or administrative sanction.

3 (J) A violation of subparagraph (D) of paragraph (1)
4 of this subsection (d) is a Class 3 felony, for which a
5 sentence of probation or conditional discharge may not be
6 imposed.

7 (3) Any person sentenced under this subsection (d) who
8 receives a term of probation or conditional discharge must
9 serve a minimum term of either 480 hours of community
10 service or 10 days of imprisonment as a condition of the
11 probation or conditional discharge in addition to any
12 other criminal or administrative sanction.

13 (e) Any reference to a prior violation of subsection (a)
14 or a similar provision includes any violation of a provision
15 of a local ordinance or a provision of a law of another state
16 or an offense committed on a military installation that is
17 similar to a violation of subsection (a) of this Section.

18 (f) The imposition of a mandatory term of imprisonment or
19 assignment of community service for a violation of this
20 Section shall not be suspended or reduced by the court.

21 (g) Any penalty imposed for driving with a license that
22 has been revoked for a previous violation of subsection (a) of
23 this Section shall be in addition to the penalty imposed for
24 any subsequent violation of subsection (a).

25 (h) For any prosecution under this Section, a certified
26 copy of the driving abstract of the defendant shall be

1 admitted as proof of any prior conviction.

2 (Source: P.A. 101-363, eff. 8-9-19.)

3 (625 ILCS 5/11-501.1)

4 Sec. 11-501.1. Suspension of drivers license; statutory
5 summary alcohol, other drug or drugs, or intoxicating compound
6 or compounds related suspension or revocation; implied
7 consent.

8 (a) Any person who drives or is in actual physical control
9 of a motor vehicle upon the public highways of this State shall
10 be deemed to have given consent, subject to the provisions of
11 Section 11-501.2, to a chemical test or tests of blood,
12 breath, other bodily substance, or urine for the purpose of
13 determining the content of alcohol, other drug or drugs, or
14 intoxicating compound or compounds or any combination thereof
15 in the person's blood if arrested, as evidenced by the
16 issuance of a Uniform Traffic Ticket, for any offense as
17 defined in Section 11-501 or a similar provision of a local
18 ordinance, or if arrested for violating Section 11-401. If a
19 law enforcement officer has probable cause to believe the
20 person was under the influence of alcohol, other drug or
21 drugs, intoxicating compound or compounds, or any combination
22 thereof, the law enforcement officer shall request a chemical
23 test or tests which shall be administered at the direction of
24 the arresting officer. The law enforcement agency employing
25 the officer shall designate which of the aforesaid tests shall

1 be administered. Up to 2 additional tests of urine or other
2 bodily substance may be administered even after a blood or
3 breath test or both has been administered. For purposes of
4 this Section, an Illinois law enforcement officer of this
5 State who is investigating the person for any offense defined
6 in Section 11-501 may travel into an adjoining state, where
7 the person has been transported for medical care, to complete
8 an investigation and to request that the person submit to the
9 test or tests set forth in this Section. The requirements of
10 this Section that the person be arrested are inapplicable, but
11 the officer shall issue the person a Uniform Traffic Ticket
12 for an offense as defined in Section 11-501 or a similar
13 provision of a local ordinance prior to requesting that the
14 person submit to the test or tests. The issuance of the Uniform
15 Traffic Ticket shall not constitute an arrest, but shall be
16 for the purpose of notifying the person that he or she is
17 subject to the provisions of this Section and of the officer's
18 belief of the existence of probable cause to arrest. Upon
19 returning to this State, the officer shall file the Uniform
20 Traffic Ticket with the Circuit Clerk of the county where the
21 offense was committed, and shall seek the issuance of an
22 arrest warrant or a summons for the person.

23 (a-5) (Blank).

24 (b) Any person who is dead, unconscious, or who is
25 otherwise in a condition rendering the person incapable of
26 refusal, shall be deemed not to have withdrawn the consent

1 provided by paragraph (a) of this Section and the test or tests
2 may be administered, subject to the provisions of Section
3 11-501.2.

4 (c) A person requested to submit to a test as provided
5 above shall be warned by the law enforcement officer
6 requesting the test that a refusal to submit to the test will
7 result in the statutory summary suspension of the person's
8 privilege to operate a motor vehicle, as provided in Section
9 6-208.1 of this Code, and will also result in the
10 disqualification of the person's privilege to operate a
11 commercial motor vehicle, as provided in Section 6-514 of this
12 Code, if the person is a CDL holder. The person shall also be
13 warned that a refusal to submit to the test, when the person
14 was involved in a motor vehicle crash ~~accident~~ that caused
15 personal injury or death to another, will result in the
16 statutory summary revocation of the person's privilege to
17 operate a motor vehicle, as provided in Section 6-208.1, and
18 will also result in the disqualification of the person's
19 privilege to operate a commercial motor vehicle, as provided
20 in Section 6-514 of this Code, if the person is a CDL holder.
21 The person shall also be warned by the law enforcement officer
22 that if the person submits to the test or tests provided in
23 paragraph (a) of this Section and the alcohol concentration in
24 the person's blood, other bodily substance, or breath is 0.08
25 or greater, or testing discloses the presence of cannabis as
26 listed in the Cannabis Control Act with a tetrahydrocannabinol

1 concentration as defined in paragraph 6 of subsection (a) of
2 Section 11-501.2 of this Code, or any amount of a drug,
3 substance, or compound resulting from the unlawful use or
4 consumption of a controlled substance listed in the Illinois
5 Controlled Substances Act, an intoxicating compound listed in
6 the Use of Intoxicating Compounds Act, or methamphetamine as
7 listed in the Methamphetamine Control and Community Protection
8 Act is detected in the person's blood, other bodily substance
9 or urine, a statutory summary suspension of the person's
10 privilege to operate a motor vehicle, as provided in Sections
11 6-208.1 and 11-501.1 of this Code, will be imposed. If the
12 person is also a CDL holder, he or she shall be warned by the
13 law enforcement officer that if the person submits to the test
14 or tests provided in paragraph (a) of this Section and the
15 alcohol concentration in the person's blood, other bodily
16 substance, or breath is 0.08 or greater, or any amount of a
17 drug, substance, or compound resulting from the unlawful use
18 or consumption of cannabis as covered by the Cannabis Control
19 Act, a controlled substance listed in the Illinois Controlled
20 Substances Act, an intoxicating compound listed in the Use of
21 Intoxicating Compounds Act, or methamphetamine as listed in
22 the Methamphetamine Control and Community Protection Act is
23 detected in the person's blood, other bodily substance, or
24 urine, a disqualification of the person's privilege to operate
25 a commercial motor vehicle, as provided in Section 6-514 of
26 this Code, will be imposed.

1 A person who is under the age of 21 at the time the person
2 is requested to submit to a test as provided above shall, in
3 addition to the warnings provided for in this Section, be
4 further warned by the law enforcement officer requesting the
5 test that if the person submits to the test or tests provided
6 in paragraph (a) of this Section and the alcohol concentration
7 in the person's blood, other bodily substance, or breath is
8 greater than 0.00 and less than 0.08, a suspension of the
9 person's privilege to operate a motor vehicle, as provided
10 under Sections 6-208.2 and 11-501.8 of this Code, will be
11 imposed. The results of this test shall be admissible in a
12 civil or criminal action or proceeding arising from an arrest
13 for an offense as defined in Section 11-501 of this Code or a
14 similar provision of a local ordinance or pursuant to Section
15 11-501.4 in prosecutions for reckless homicide brought under
16 the Criminal Code of 1961 or the Criminal Code of 2012. These
17 test results, however, shall be admissible only in actions or
18 proceedings directly related to the incident upon which the
19 test request was made.

20 A person requested to submit to a test shall also
21 acknowledge, in writing, receipt of the warning required under
22 this Section. If the person refuses to acknowledge receipt of
23 the warning, the law enforcement officer shall make a written
24 notation on the warning that the person refused to sign the
25 warning. A person's refusal to sign the warning shall not be
26 evidence that the person was not read the warning.

1 (d) If the person refuses testing or submits to a test that
2 discloses an alcohol concentration of 0.08 or more, or testing
3 discloses the presence of cannabis as listed in the Cannabis
4 Control Act with a tetrahydrocannabinol concentration as
5 defined in paragraph 6 of subsection (a) of Section 11-501.2
6 of this Code, or any amount of a drug, substance, or
7 intoxicating compound in the person's breath, blood, other
8 bodily substance, or urine resulting from the unlawful use or
9 consumption of a controlled substance listed in the Illinois
10 Controlled Substances Act, an intoxicating compound listed in
11 the Use of Intoxicating Compounds Act, or methamphetamine as
12 listed in the Methamphetamine Control and Community Protection
13 Act, the law enforcement officer shall immediately submit a
14 sworn report to the circuit court of venue and the Secretary of
15 State, certifying that the test or tests was or were requested
16 under paragraph (a) and the person refused to submit to a test,
17 or tests, or submitted to testing that disclosed an alcohol
18 concentration of 0.08 or more, testing discloses the presence
19 of cannabis as listed in the Cannabis Control Act with a
20 tetrahydrocannabinol concentration as defined in paragraph 6
21 of subsection (a) of Section 11-501.2 of this Code, or any
22 amount of a drug, substance, or intoxicating compound in the
23 person's breath, blood, other bodily substance, or urine
24 resulting from the unlawful use or consumption of a controlled
25 substance listed in the Illinois Controlled Substances Act, an
26 intoxicating compound listed in the Use of Intoxicating

1 Compounds Act, or methamphetamine as listed in the
2 Methamphetamine Control and Community Protection Act. If the
3 person is also a CDL holder and refuses testing or submits to a
4 test that discloses an alcohol concentration of 0.08 or more,
5 or any amount of a drug, substance, or intoxicating compound
6 in the person's breath, blood, other bodily substance, or
7 urine resulting from the unlawful use or consumption of
8 cannabis listed in the Cannabis Control Act, a controlled
9 substance listed in the Illinois Controlled Substances Act, an
10 intoxicating compound listed in the Use of Intoxicating
11 Compounds Act, or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act, the law
13 enforcement officer shall also immediately submit a sworn
14 report to the circuit court of venue and the Secretary of
15 State, certifying that the test or tests was or were requested
16 under paragraph (a) and the person refused to submit to a test,
17 or tests, or submitted to testing that disclosed an alcohol
18 concentration of 0.08 or more, or any amount of a drug,
19 substance, or intoxicating compound in the person's breath,
20 blood, other bodily substance, or urine resulting from the
21 unlawful use or consumption of cannabis listed in the Cannabis
22 Control Act, a controlled substance listed in the Illinois
23 Controlled Substances Act, an intoxicating compound listed in
24 the Use of Intoxicating Compounds Act, or methamphetamine as
25 listed in the Methamphetamine Control and Community Protection
26 Act.

1 (e) Upon receipt of the sworn report of a law enforcement
2 officer submitted under paragraph (d), the Secretary of State
3 shall enter the statutory summary suspension or revocation and
4 disqualification for the periods specified in Sections 6-208.1
5 and 6-514, respectively, and effective as provided in
6 paragraph (g).

7 If the person is a first offender as defined in Section
8 11-500 of this Code, and is not convicted of a violation of
9 Section 11-501 of this Code or a similar provision of a local
10 ordinance, then reports received by the Secretary of State
11 under this Section shall, except during the actual time the
12 Statutory Summary Suspension is in effect, be privileged
13 information and for use only by the courts, police officers,
14 prosecuting authorities or the Secretary of State, unless the
15 person is a CDL holder, is operating a commercial motor
16 vehicle or vehicle required to be placarded for hazardous
17 materials, in which case the suspension shall not be
18 privileged. Reports received by the Secretary of State under
19 this Section shall also be made available to the parent or
20 guardian of a person under the age of 18 years that holds an
21 instruction permit or a graduated driver's license, regardless
22 of whether the statutory summary suspension is in effect. A
23 statutory summary revocation shall not be privileged
24 information.

25 (f) The law enforcement officer submitting the sworn
26 report under paragraph (d) shall serve immediate notice of the

1 statutory summary suspension or revocation on the person and
2 the suspension or revocation and disqualification shall be
3 effective as provided in paragraph (g).

4 (1) In cases involving a person who is not a CDL holder
5 where the blood alcohol concentration of 0.08 or greater
6 or any amount of a drug, substance, or compound resulting
7 from the unlawful use or consumption of a controlled
8 substance listed in the Illinois Controlled Substances
9 Act, an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, or methamphetamine as listed
11 in the Methamphetamine Control and Community Protection
12 Act is established by a subsequent analysis of blood,
13 other bodily substance, or urine or analysis of whole
14 blood or other bodily substance establishes a
15 tetrahydrocannabinol concentration as defined in paragraph
16 6 of subsection (a) of Section 11-501.2 of this Code,
17 collected at the time of arrest, the arresting officer or
18 arresting agency shall give notice as provided in this
19 Section or by deposit in the United States mail of the
20 notice in an envelope with postage prepaid and addressed
21 to the person at his or her address as shown on the Uniform
22 Traffic Ticket and the statutory summary suspension shall
23 begin as provided in paragraph (g).

24 (1.3) In cases involving a person who is a CDL holder
25 where the blood alcohol concentration of 0.08 or greater
26 or any amount of a drug, substance, or compound resulting

1 from the unlawful use or consumption of cannabis as
2 covered by the Cannabis Control Act, a controlled
3 substance listed in the Illinois Controlled Substances
4 Act, an intoxicating compound listed in the Use of
5 Intoxicating Compounds Act, or methamphetamine as listed
6 in the Methamphetamine Control and Community Protection
7 Act is established by a subsequent analysis of blood,
8 other bodily substance, or urine collected at the time of
9 arrest, the arresting officer or arresting agency shall
10 give notice as provided in this Section or by deposit in
11 the United States mail of the notice in an envelope with
12 postage prepaid and addressed to the person at his or her
13 address as shown on the Uniform Traffic Ticket and the
14 statutory summary suspension and disqualification shall
15 begin as provided in paragraph (g).

16 (1.5) The officer shall confiscate any Illinois
17 driver's license or permit on the person at the time of
18 arrest. If the person has a valid driver's license or
19 permit, the officer shall issue the person a receipt, in a
20 form prescribed by the Secretary of State, that will allow
21 that person to drive during the periods provided for in
22 paragraph (g). The officer shall immediately forward the
23 driver's license or permit to the circuit court of venue
24 along with the sworn report provided for in paragraph (d).

25 (2) (Blank).

26 (g) The statutory summary suspension or revocation and

1 disqualification referred to in this Section shall take effect
2 on the 46th day following the date the notice of the statutory
3 summary suspension or revocation was given to the person.

4 (h) The following procedure shall apply whenever a person
5 is arrested for any offense as defined in Section 11-501 or a
6 similar provision of a local ordinance:

7 Upon receipt of the sworn report from the law enforcement
8 officer, the Secretary of State shall confirm the statutory
9 summary suspension or revocation by mailing a notice of the
10 effective date of the suspension or revocation to the person
11 and the court of venue. The Secretary of State shall also mail
12 notice of the effective date of the disqualification to the
13 person. However, should the sworn report be defective by not
14 containing sufficient information or be completed in error,
15 the confirmation of the statutory summary suspension or
16 revocation shall not be mailed to the person or entered to the
17 record; instead, the sworn report shall be forwarded to the
18 court of venue with a copy returned to the issuing agency
19 identifying any defect.

20 (i) As used in this Section, "personal injury" includes
21 any Type A injury as indicated on the traffic crash ~~accident~~
22 report completed by a law enforcement officer that requires
23 immediate professional attention in either a doctor's office
24 or a medical facility. A Type A injury includes severely
25 bleeding wounds, distorted extremities, and injuries that
26 require the injured party to be carried from the scene.

1 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
2 99-467, eff. 1-1-16; 99-697, eff. 7-29-16.)

3 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

4 Sec. 11-501.2. Chemical and other tests.

5 (a) Upon the trial of any civil or criminal action or
6 proceeding arising out of an arrest for an offense as defined
7 in Section 11-501 or a similar local ordinance or proceedings
8 pursuant to Section 2-118.1, evidence of the concentration of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof in a person's blood or
11 breath at the time alleged, as determined by analysis of the
12 person's blood, urine, breath, or other bodily substance,
13 shall be admissible. Where such test is made the following
14 provisions shall apply:

15 1. Chemical analyses of the person's blood, urine,
16 breath, or other bodily substance to be considered valid
17 under the provisions of this Section shall have been
18 performed according to standards promulgated by the
19 Illinois State Police by a licensed physician, registered
20 nurse, trained phlebotomist, licensed paramedic, or other
21 individual possessing a valid permit issued by that
22 Department for this purpose. The Director of the Illinois
23 State Police is authorized to approve satisfactory
24 techniques or methods, to ascertain the qualifications and
25 competence of individuals to conduct such analyses, to

1 issue permits which shall be subject to termination or
2 revocation at the discretion of that Department and to
3 certify the accuracy of breath testing equipment. The
4 Illinois State Police shall prescribe regulations as
5 necessary to implement this Section.

6 2. When a person in this State shall submit to a blood
7 test at the request of a law enforcement officer under the
8 provisions of Section 11-501.1, only a physician
9 authorized to practice medicine, a licensed physician
10 assistant, a licensed advanced practice registered nurse,
11 a registered nurse, trained phlebotomist, or licensed
12 paramedic, or other qualified person approved by the
13 Illinois State Police may withdraw blood for the purpose
14 of determining the alcohol, drug, or alcohol and drug
15 content therein. This limitation shall not apply to the
16 taking of breath, other bodily substance, or urine
17 specimens.

18 When a blood test of a person who has been taken to an
19 adjoining state for medical treatment is requested by an
20 Illinois law enforcement officer, the blood may be
21 withdrawn only by a physician authorized to practice
22 medicine in the adjoining state, a licensed physician
23 assistant, a licensed advanced practice registered nurse,
24 a registered nurse, a trained phlebotomist acting under
25 the direction of the physician, or licensed paramedic. The
26 law enforcement officer requesting the test shall take

1 custody of the blood sample, and the blood sample shall be
2 analyzed by a laboratory certified by the Illinois State
3 Police for that purpose.

4 3. The person tested may have a physician, or a
5 qualified technician, chemist, registered nurse, or other
6 qualified person of their own choosing administer a
7 chemical test or tests in addition to any administered at
8 the direction of a law enforcement officer. The failure or
9 inability to obtain an additional test by a person shall
10 not preclude the admission of evidence relating to the
11 test or tests taken at the direction of a law enforcement
12 officer.

13 4. Upon the request of the person who shall submit to a
14 chemical test or tests at the request of a law enforcement
15 officer, full information concerning the test or tests
16 shall be made available to the person or such person's
17 attorney.

18 5. Alcohol concentration shall mean either grams of
19 alcohol per 100 milliliters of blood or grams of alcohol
20 per 210 liters of breath.

21 6. Tetrahydrocannabinol concentration means either 5
22 nanograms or more of delta-9-tetrahydrocannabinol per
23 milliliter of whole blood or 10 nanograms or more of
24 delta-9-tetrahydrocannabinol per milliliter of other
25 bodily substance.

26 (a-5) Law enforcement officials may use validated roadside

1 chemical tests or standardized field sobriety tests approved
2 by the National Highway Traffic Safety Administration when
3 conducting investigations of a violation of Section 11-501 or
4 similar local ordinance by drivers suspected of driving under
5 the influence of cannabis. The General Assembly finds that (i)
6 validated roadside chemical tests are effective means to
7 determine if a person is under the influence of cannabis and
8 (ii) standardized field sobriety tests approved by the
9 National Highway Traffic Safety Administration are divided
10 attention tasks that are intended to determine if a person is
11 under the influence of cannabis. The purpose of these tests is
12 to determine the effect of the use of cannabis on a person's
13 capacity to think and act with ordinary care and therefore
14 operate a motor vehicle safely. Therefore, the results of
15 these validated roadside chemical tests and standardized field
16 sobriety tests, appropriately administered, shall be
17 admissible in the trial of any civil or criminal action or
18 proceeding arising out of an arrest for a cannabis-related
19 offense as defined in Section 11-501 or a similar local
20 ordinance or proceedings under Section 2-118.1 or 2-118.2.
21 Where a test is made the following provisions shall apply:

- 22 1. The person tested may have a physician, or a
23 qualified technician, chemist, registered nurse, or other
24 qualified person of their own choosing administer a
25 chemical test or tests in addition to the standardized
26 field sobriety test or tests administered at the direction

1 of a law enforcement officer. The failure or inability to
2 obtain an additional test by a person does not preclude
3 the admission of evidence relating to the test or tests
4 taken at the direction of a law enforcement officer.

5 2. Upon the request of the person who shall submit to
6 validated roadside chemical tests or a standardized field
7 sobriety test or tests at the request of a law enforcement
8 officer, full information concerning the test or tests
9 shall be made available to the person or the person's
10 attorney.

11 3. At the trial of any civil or criminal action or
12 proceeding arising out of an arrest for an offense as
13 defined in Section 11-501 or a similar local ordinance or
14 proceedings under Section 2-118.1 or 2-118.2 in which the
15 results of these validated roadside chemical tests or
16 standardized field sobriety tests are admitted, the person
17 may present and the trier of fact may consider evidence
18 that the person lacked the physical capacity to perform
19 the validated roadside chemical tests or standardized
20 field sobriety tests.

21 (b) Upon the trial of any civil or criminal action or
22 proceeding arising out of acts alleged to have been committed
23 by any person while driving or in actual physical control of a
24 vehicle while under the influence of alcohol, the
25 concentration of alcohol in the person's blood or breath at
26 the time alleged as shown by analysis of the person's blood,

1 urine, breath, or other bodily substance shall give rise to
2 the following presumptions:

3 1. If there was at that time an alcohol concentration
4 of 0.05 or less, it shall be presumed that the person was
5 not under the influence of alcohol.

6 2. If there was at that time an alcohol concentration
7 in excess of 0.05 but less than 0.08, such facts shall not
8 give rise to any presumption that the person was or was not
9 under the influence of alcohol, but such fact may be
10 considered with other competent evidence in determining
11 whether the person was under the influence of alcohol.

12 3. If there was at that time an alcohol concentration
13 of 0.08 or more, it shall be presumed that the person was
14 under the influence of alcohol.

15 4. The foregoing provisions of this Section shall not
16 be construed as limiting the introduction of any other
17 relevant evidence bearing upon the question whether the
18 person was under the influence of alcohol.

19 (b-5) Upon the trial of any civil or criminal action or
20 proceeding arising out of acts alleged to have been committed
21 by any person while driving or in actual physical control of a
22 vehicle while under the influence of alcohol, other drug or
23 drugs, intoxicating compound or compounds or any combination
24 thereof, the concentration of cannabis in the person's whole
25 blood or other bodily substance at the time alleged as shown by
26 analysis of the person's blood or other bodily substance shall

1 give rise to the following presumptions:

2 1. If there was a tetrahydrocannabinol concentration
3 of 5 nanograms or more in whole blood or 10 nanograms or
4 more in an other bodily substance as defined in this
5 Section, it shall be presumed that the person was under
6 the influence of cannabis.

7 2. If there was at that time a tetrahydrocannabinol
8 concentration of less than 5 nanograms in whole blood or
9 less than 10 nanograms in an other bodily substance, such
10 facts shall not give rise to any presumption that the
11 person was or was not under the influence of cannabis, but
12 such fact may be considered with other competent evidence
13 in determining whether the person was under the influence
14 of cannabis.

15 (c) 1. If a person under arrest refuses to submit to a
16 chemical test under the provisions of Section 11-501.1,
17 evidence of refusal shall be admissible in any civil or
18 criminal action or proceeding arising out of acts alleged to
19 have been committed while the person under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof was driving or in actual
22 physical control of a motor vehicle.

23 2. Notwithstanding any ability to refuse under this Code
24 to submit to these tests or any ability to revoke the implied
25 consent to these tests, if a law enforcement officer has
26 probable cause to believe that a motor vehicle driven by or in

1 actual physical control of a person under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof has caused the death or
4 personal injury to another, the law enforcement officer shall
5 request, and that person shall submit, upon the request of a
6 law enforcement officer, to a chemical test or tests of his or
7 her blood, breath, other bodily substance, or urine for the
8 purpose of determining the alcohol content thereof or the
9 presence of any other drug or combination of both.

10 This provision does not affect the applicability of or
11 imposition of driver's license sanctions under Section
12 11-501.1 of this Code.

13 3. For purposes of this Section, a personal injury
14 includes any Type A injury as indicated on the traffic crash
15 ~~accident~~ report completed by a law enforcement officer that
16 requires immediate professional attention in either a doctor's
17 office or a medical facility. A Type A injury includes severe
18 bleeding wounds, distorted extremities, and injuries that
19 require the injured party to be carried from the scene.

20 (d) If a person refuses validated roadside chemical tests
21 or standardized field sobriety tests under Section 11-501.9 of
22 this Code, evidence of refusal shall be admissible in any
23 civil or criminal action or proceeding arising out of acts
24 committed while the person was driving or in actual physical
25 control of a vehicle and alleged to have been impaired by the
26 use of cannabis.

1 (e) Illinois State Police compliance with the changes in
2 this amendatory Act of the 99th General Assembly concerning
3 testing of other bodily substances and tetrahydrocannabinol
4 concentration by Illinois State Police laboratories is subject
5 to appropriation and until the Illinois State Police adopt
6 standards and completion validation. Any laboratories that
7 test for the presence of cannabis or other drugs under this
8 Article, the Snowmobile Registration and Safety Act, or the
9 Boat Registration and Safety Act must comply with ISO/IEC
10 17025:2005.

11 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21.)

12 (625 ILCS 5/11-501.4-1)

13 Sec. 11-501.4-1. Reporting of test results of blood, other
14 bodily substance, or urine conducted in the regular course of
15 providing emergency medical treatment.

16 (a) Notwithstanding any other provision of law, the
17 results of blood, other bodily substance, or urine tests
18 performed for the purpose of determining the content of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds, or any combination thereof, in an individual's
21 blood, other bodily substance, or urine conducted upon persons
22 receiving medical treatment in a hospital emergency room for
23 injuries resulting from a motor vehicle crash ~~accident~~ shall
24 be disclosed to the Illinois State Police or local law
25 enforcement agencies of jurisdiction, upon request. Such

1 blood, other bodily substance, or urine tests are admissible
2 in evidence as a business record exception to the hearsay rule
3 only in prosecutions for any violation of Section 11-501 of
4 this Code or a similar provision of a local ordinance, or in
5 prosecutions for reckless homicide brought under the Criminal
6 Code of 1961 or the Criminal Code of 2012.

7 (b) The confidentiality provisions of law pertaining to
8 medical records and medical treatment shall not be applicable
9 with regard to tests performed upon an individual's blood,
10 other bodily substance, or urine under the provisions of
11 subsection (a) of this Section. No person shall be liable for
12 civil damages or professional discipline as a result of the
13 disclosure or reporting of the tests or the evidentiary use of
14 an individual's blood, other bodily substance, or urine test
15 results under this Section or Section 11-501.4 or as a result
16 of that person's testimony made available under this Section
17 or Section 11-501.4, except for willful or wanton misconduct.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

20 Sec. 11-501.6. Driver involvement in personal injury or
21 fatal motor vehicle crash ~~accident~~; chemical test.

22 (a) Any person who drives or is in actual control of a
23 motor vehicle upon the public highways of this State and who
24 has been involved in a personal injury or fatal motor vehicle
25 crash ~~accident~~, shall be deemed to have given consent to a

1 breath test using a portable device as approved by the
2 Illinois State Police or to a chemical test or tests of blood,
3 breath, other bodily substance, or urine for the purpose of
4 determining the content of alcohol, other drug or drugs, or
5 intoxicating compound or compounds of such person's blood if
6 arrested as evidenced by the issuance of a Uniform Traffic
7 Ticket for any violation of the Illinois Vehicle Code or a
8 similar provision of a local ordinance, with the exception of
9 equipment violations contained in Chapter 12 of this Code, or
10 similar provisions of local ordinances. The test or tests
11 shall be administered at the direction of the arresting
12 officer. The law enforcement agency employing the officer
13 shall designate which of the aforesaid tests shall be
14 administered. Up to 2 additional tests of urine or other
15 bodily substance may be administered even after a blood or
16 breath test or both has been administered. Compliance with
17 this Section does not relieve such person from the
18 requirements of Section 11-501.1 of this Code.

19 (b) Any person who is dead, unconscious or who is
20 otherwise in a condition rendering such person incapable of
21 refusal shall be deemed not to have withdrawn the consent
22 provided by subsection (a) of this Section. In addition, if a
23 driver of a vehicle is receiving medical treatment as a result
24 of a motor vehicle crash ~~accident~~, any physician licensed to
25 practice medicine, licensed physician assistant, licensed
26 advanced practice registered nurse, registered nurse or a

1 phlebotomist acting under the direction of a licensed
2 physician shall withdraw blood for testing purposes to
3 ascertain the presence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, upon the specific request
5 of a law enforcement officer. However, no such testing shall
6 be performed until, in the opinion of the medical personnel on
7 scene, the withdrawal can be made without interfering with or
8 endangering the well-being of the patient.

9 (c) A person requested to submit to a test as provided
10 above shall be warned by the law enforcement officer
11 requesting the test that a refusal to submit to the test, or
12 submission to the test resulting in an alcohol concentration
13 of 0.08 or more, or testing discloses the presence of cannabis
14 as listed in the Cannabis Control Act with a
15 tetrahydrocannabinol concentration as defined in paragraph 6
16 of subsection (a) of Section 11-501.2 of this Code, or any
17 amount of a drug, substance, or intoxicating compound
18 resulting from the unlawful use or consumption of a controlled
19 substance listed in the Illinois Controlled Substances Act, an
20 intoxicating compound listed in the Use of Intoxicating
21 Compounds Act, or methamphetamine as listed in the
22 Methamphetamine Control and Community Protection Act as
23 detected in such person's blood, other bodily substance, or
24 urine, may result in the suspension of such person's privilege
25 to operate a motor vehicle. If the person is also a CDL holder,
26 he or she shall be warned by the law enforcement officer

1 requesting the test that a refusal to submit to the test, or
2 submission to the test resulting in an alcohol concentration
3 of 0.08 or more, or any amount of a drug, substance, or
4 intoxicating compound resulting from the unlawful use or
5 consumption of cannabis, as covered by the Cannabis Control
6 Act, a controlled substance listed in the Illinois Controlled
7 Substances Act, an intoxicating compound listed in the Use of
8 Intoxicating Compounds Act, or methamphetamine as listed in
9 the Methamphetamine Control and Community Protection Act as
10 detected in the person's blood, other bodily substance, or
11 urine, may result in the disqualification of the person's
12 privilege to operate a commercial motor vehicle, as provided
13 in Section 6-514 of this Code. The length of the suspension
14 shall be the same as outlined in Section 6-208.1 of this Code
15 regarding statutory summary suspensions.

16 A person requested to submit to a test shall also
17 acknowledge, in writing, receipt of the warning required under
18 this Section. If the person refuses to acknowledge receipt of
19 the warning, the law enforcement officer shall make a written
20 notation on the warning that the person refused to sign the
21 warning. A person's refusal to sign the warning shall not be
22 evidence that the person was not read the warning.

23 (d) If the person refuses testing or submits to a test
24 which discloses an alcohol concentration of 0.08 or more, the
25 presence of cannabis as listed in the Cannabis Control Act
26 with a tetrahydrocannabinol concentration as defined in

1 paragraph 6 of subsection (a) of Section 11-501.2 of this
2 Code, or any amount of a drug, substance, or intoxicating
3 compound in such person's blood or urine resulting from the
4 unlawful use or consumption of a controlled substance listed
5 in the Illinois Controlled Substances Act, an intoxicating
6 compound listed in the Use of Intoxicating Compounds Act, or
7 methamphetamine as listed in the Methamphetamine Control and
8 Community Protection Act, the law enforcement officer shall
9 immediately submit a sworn report to the Secretary of State on
10 a form prescribed by the Secretary, certifying that the test
11 or tests were requested under subsection (a) and the person
12 refused to submit to a test or tests or submitted to testing
13 which disclosed an alcohol concentration of 0.08 or more, the
14 presence of cannabis as listed in the Cannabis Control Act
15 with a tetrahydrocannabinol concentration as defined in
16 paragraph 6 of subsection (a) of Section 11-501.2 of this
17 Code, or any amount of a drug, substance, or intoxicating
18 compound in such person's blood, other bodily substance, or
19 urine, resulting from the unlawful use or consumption of a
20 controlled substance listed in the Illinois Controlled
21 Substances Act, an intoxicating compound listed in the Use of
22 Intoxicating Compounds Act, or methamphetamine as listed in
23 the Methamphetamine Control and Community Protection Act. If
24 the person is also a CDL holder and refuses testing or submits
25 to a test which discloses an alcohol concentration of 0.08 or
26 more, or any amount of a drug, substance, or intoxicating

1 compound in the person's blood, other bodily substance, or
2 urine resulting from the unlawful use or consumption of
3 cannabis listed in the Cannabis Control Act, a controlled
4 substance listed in the Illinois Controlled Substances Act, an
5 intoxicating compound listed in the Use of Intoxicating
6 Compounds Act, or methamphetamine as listed in the
7 Methamphetamine Control and Community Protection Act, the law
8 enforcement officer shall immediately submit a sworn report to
9 the Secretary of State on a form prescribed by the Secretary,
10 certifying that the test or tests were requested under
11 subsection (a) and the person refused to submit to a test or
12 tests or submitted to testing which disclosed an alcohol
13 concentration of 0.08 or more, or any amount of a drug,
14 substance, or intoxicating compound in such person's blood,
15 other bodily substance, or urine, resulting from the unlawful
16 use or consumption of cannabis listed in the Cannabis Control
17 Act, a controlled substance listed in the Illinois Controlled
18 Substances Act, an intoxicating compound listed in the Use of
19 Intoxicating Compounds Act, or methamphetamine as listed in
20 the Methamphetamine Control and Community Protection Act.

21 Upon receipt of the sworn report of a law enforcement
22 officer, the Secretary shall enter the suspension and
23 disqualification to the individual's driving record and the
24 suspension and disqualification shall be effective on the 46th
25 day following the date notice of the suspension was given to
26 the person.

1 The law enforcement officer submitting the sworn report
2 shall serve immediate notice of this suspension on the person
3 and such suspension and disqualification shall be effective on
4 the 46th day following the date notice was given.

5 In cases involving a person who is not a CDL holder where
6 the blood alcohol concentration of 0.08 or more, or blood
7 testing discloses the presence of cannabis as listed in the
8 Cannabis Control Act with a tetrahydrocannabinol concentration
9 as defined in paragraph 6 of subsection (a) of Section
10 11-501.2 of this Code, or any amount of a drug, substance, or
11 intoxicating compound resulting from the unlawful use or
12 consumption of a controlled substance listed in the Illinois
13 Controlled Substances Act, an intoxicating compound listed in
14 the Use of Intoxicating Compounds Act, or methamphetamine as
15 listed in the Methamphetamine Control and Community Protection
16 Act, is established by a subsequent analysis of blood, other
17 bodily substance, or urine collected at the time of arrest,
18 the arresting officer shall give notice as provided in this
19 Section or by deposit in the United States mail of such notice
20 in an envelope with postage prepaid and addressed to such
21 person at his or her address as shown on the Uniform Traffic
22 Ticket and the suspension shall be effective on the 46th day
23 following the date notice was given.

24 In cases involving a person who is a CDL holder where the
25 blood alcohol concentration of 0.08 or more, or any amount of a
26 drug, substance, or intoxicating compound resulting from the

1 unlawful use or consumption of cannabis as listed in the
2 Cannabis Control Act, a controlled substance listed in the
3 Illinois Controlled Substances Act, an intoxicating compound
4 listed in the Use of Intoxicating Compounds Act, or
5 methamphetamine as listed in the Methamphetamine Control and
6 Community Protection Act, is established by a subsequent
7 analysis of blood, other bodily substance, or urine collected
8 at the time of arrest, the arresting officer shall give notice
9 as provided in this Section or by deposit in the United States
10 mail of such notice in an envelope with postage prepaid and
11 addressed to the person at his or her address as shown on the
12 Uniform Traffic Ticket and the suspension and disqualification
13 shall be effective on the 46th day following the date notice
14 was given.

15 Upon receipt of the sworn report of a law enforcement
16 officer, the Secretary shall also give notice of the
17 suspension and disqualification to the driver by mailing a
18 notice of the effective date of the suspension and
19 disqualification to the individual. However, should the sworn
20 report be defective by not containing sufficient information
21 or be completed in error, the notice of the suspension and
22 disqualification shall not be mailed to the person or entered
23 to the driving record, but rather the sworn report shall be
24 returned to the issuing law enforcement agency.

25 (e) A driver may contest this suspension of his or her
26 driving privileges and disqualification of his or her CDL

1 privileges by requesting an administrative hearing with the
2 Secretary in accordance with Section 2-118 of this Code. At
3 the conclusion of a hearing held under Section 2-118 of this
4 Code, the Secretary may rescind, continue, or modify the
5 orders of suspension and disqualification. If the Secretary
6 does not rescind the orders of suspension and
7 disqualification, a restricted driving permit may be granted
8 by the Secretary upon application being made and good cause
9 shown. A restricted driving permit may be granted to relieve
10 undue hardship to allow driving for employment, educational,
11 and medical purposes as outlined in Section 6-206 of this
12 Code. The provisions of Section 6-206 of this Code shall
13 apply. In accordance with 49 C.F.R. 384, the Secretary of
14 State may not issue a restricted driving permit for the
15 operation of a commercial motor vehicle to a person holding a
16 CDL whose driving privileges have been suspended, revoked,
17 cancelled, or disqualified.

18 (f) (Blank).

19 (g) For the purposes of this Section, a personal injury
20 shall include any type A injury as indicated on the traffic
21 crash ~~accident~~ report completed by a law enforcement officer
22 that requires immediate professional attention in either a
23 doctor's office or a medical facility. A type A injury shall
24 include severely bleeding wounds, distorted extremities, and
25 injuries that require the injured party to be carried from the
26 scene.

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 (625 ILCS 5/11-501.7) (from Ch. 95 1/2, par. 11-501.7)

3 Sec. 11-501.7. (a) As a condition of probation or
4 discharge of a person convicted of a violation of Section
5 11-501 of this Code, who was less than 21 years of age at the
6 time of the offense, or a person adjudicated delinquent
7 pursuant to the Juvenile Court Act of 1987, for violation of
8 Section 11-501 of this Code, the Court may order the offender
9 to participate in the Youthful Intoxicated Drivers' Visitation
10 Program. The Program shall consist of a supervised visitation
11 as provided by this Section by the person to at least one of
12 the following, to the extent that personnel and facilities are
13 available:

14 (1) A State or private rehabilitation facility that
15 cares for victims of motor vehicle crashes ~~accidents~~
16 involving persons under the influence of alcohol.

17 (2) A facility which cares for advanced alcoholics to
18 observe persons in the terminal stages of alcoholism,
19 under the supervision of appropriately licensed medical
20 personnel.

21 (3) If approved by the coroner of the county where the
22 person resides, the county coroner's office or the county
23 morgue to observe appropriate victims of motor vehicle
24 crashes ~~accidents~~ involving persons under the influence of
25 alcohol, under the supervision of the coroner or deputy

1 coroner.

2 (b) The Program shall be operated by the appropriate
3 probation authorities of the courts of the various circuits.
4 The youthful offender ordered to participate in the Program
5 shall bear all costs associated with participation in the
6 Program. A parent or guardian of the offender may assume the
7 obligation of the offender to pay the costs of the Program. The
8 court may waive the requirement that the offender pay the
9 costs of participation in the Program upon a finding of
10 indigency.

11 (c) As used in this Section, "appropriate victims" means
12 victims whose condition is determined by the visit supervisor
13 to demonstrate the results of motor vehicle crashes ~~accidents~~
14 involving persons under the influence of alcohol without being
15 excessively gruesome or traumatic to the observer.

16 (d) Any visitation shall include, before any observation
17 of victims or persons with disabilities, a comprehensive
18 counseling session with the visitation supervisor at which the
19 supervisor shall explain and discuss the experiences which may
20 be encountered during the visitation in order to ascertain
21 whether the visitation is appropriate.

22 (Source: P.A. 101-81, eff. 7-12-19.)

23 (625 ILCS 5/11-501.8)

24 Sec. 11-501.8. Suspension of driver's license; persons
25 under age 21.

1 (a) A person who is less than 21 years of age and who
2 drives or is in actual physical control of a motor vehicle upon
3 the public highways of this State shall be deemed to have given
4 consent to a chemical test or tests of blood, breath, other
5 bodily substance, or urine for the purpose of determining the
6 alcohol content of the person's blood if arrested, as
7 evidenced by the issuance of a Uniform Traffic Ticket for any
8 violation of the Illinois Vehicle Code or a similar provision
9 of a local ordinance, if a police officer has probable cause to
10 believe that the driver has consumed any amount of an
11 alcoholic beverage based upon evidence of the driver's
12 physical condition or other first hand knowledge of the police
13 officer. The test or tests shall be administered at the
14 direction of the arresting officer. The law enforcement agency
15 employing the officer shall designate which of the aforesaid
16 tests shall be administered. Up to 2 additional tests of urine
17 or other bodily substance may be administered even after a
18 blood or breath test or both has been administered.

19 (b) A person who is dead, unconscious, or who is otherwise
20 in a condition rendering that person incapable of refusal,
21 shall be deemed not to have withdrawn the consent provided by
22 paragraph (a) of this Section and the test or tests may be
23 administered subject to the following provisions:

24 (i) Chemical analysis of the person's blood, urine,
25 breath, or other bodily substance, to be considered valid
26 under the provisions of this Section, shall have been

1 performed according to standards promulgated by the
2 Illinois State Police by an individual possessing a valid
3 permit issued by that Department for this purpose. The
4 Director of the Illinois State Police is authorized to
5 approve satisfactory techniques or methods, to ascertain
6 the qualifications and competence of individuals to
7 conduct analyses, to issue permits that shall be subject
8 to termination or revocation at the direction of that
9 Department, and to certify the accuracy of breath testing
10 equipment. The Illinois State Police shall prescribe
11 regulations as necessary.

12 (ii) When a person submits to a blood test at the
13 request of a law enforcement officer under the provisions
14 of this Section, only a physician authorized to practice
15 medicine, a licensed physician assistant, a licensed
16 advanced practice registered nurse, a registered nurse, or
17 other qualified person trained in venipuncture and acting
18 under the direction of a licensed physician may withdraw
19 blood for the purpose of determining the alcohol content
20 therein. This limitation does not apply to the taking of
21 breath, other bodily substance, or urine specimens.

22 (iii) The person tested may have a physician,
23 qualified technician, chemist, registered nurse, or other
24 qualified person of his or her own choosing administer a
25 chemical test or tests in addition to any test or tests
26 administered at the direction of a law enforcement

1 officer. The failure or inability to obtain an additional
2 test by a person shall not preclude the consideration of
3 the previously performed chemical test.

4 (iv) Upon a request of the person who submits to a
5 chemical test or tests at the request of a law enforcement
6 officer, full information concerning the test or tests
7 shall be made available to the person or that person's
8 attorney.

9 (v) Alcohol concentration means either grams of
10 alcohol per 100 milliliters of blood or grams of alcohol
11 per 210 liters of breath.

12 (vi) If a driver is receiving medical treatment as a
13 result of a motor vehicle crashes ~~accident~~, a physician
14 licensed to practice medicine, licensed physician
15 assistant, licensed advanced practice registered nurse,
16 registered nurse, or other qualified person trained in
17 venipuncture and acting under the direction of a licensed
18 physician shall withdraw blood for testing purposes to
19 ascertain the presence of alcohol upon the specific
20 request of a law enforcement officer. However, that
21 testing shall not be performed until, in the opinion of
22 the medical personnel on scene, the withdrawal can be made
23 without interfering with or endangering the well-being of
24 the patient.

25 (c) A person requested to submit to a test as provided
26 above shall be warned by the law enforcement officer

1 requesting the test that a refusal to submit to the test, or
2 submission to the test resulting in an alcohol concentration
3 of more than 0.00, may result in the loss of that person's
4 privilege to operate a motor vehicle and may result in the
5 disqualification of the person's privilege to operate a
6 commercial motor vehicle, as provided in Section 6-514 of this
7 Code, if the person is a CDL holder. The loss of driving
8 privileges shall be imposed in accordance with Section 6-208.2
9 of this Code.

10 A person requested to submit to a test shall also
11 acknowledge, in writing, receipt of the warning required under
12 this Section. If the person refuses to acknowledge receipt of
13 the warning, the law enforcement officer shall make a written
14 notation on the warning that the person refused to sign the
15 warning. A person's refusal to sign the warning shall not be
16 evidence that the person was not read the warning.

17 (d) If the person refuses testing or submits to a test that
18 discloses an alcohol concentration of more than 0.00, the law
19 enforcement officer shall immediately submit a sworn report to
20 the Secretary of State on a form prescribed by the Secretary of
21 State, certifying that the test or tests were requested under
22 subsection (a) and the person refused to submit to a test or
23 tests or submitted to testing which disclosed an alcohol
24 concentration of more than 0.00. The law enforcement officer
25 shall submit the same sworn report when a person under the age
26 of 21 submits to testing under Section 11-501.1 of this Code

1 and the testing discloses an alcohol concentration of more
2 than 0.00 and less than 0.08.

3 Upon receipt of the sworn report of a law enforcement
4 officer, the Secretary of State shall enter the suspension and
5 disqualification on the individual's driving record and the
6 suspension and disqualification shall be effective on the 46th
7 day following the date notice of the suspension was given to
8 the person. If this suspension is the individual's first
9 driver's license suspension under this Section, reports
10 received by the Secretary of State under this Section shall,
11 except during the time the suspension is in effect, be
12 privileged information and for use only by the courts, police
13 officers, prosecuting authorities, the Secretary of State, or
14 the individual personally, unless the person is a CDL holder,
15 is operating a commercial motor vehicle or vehicle required to
16 be placarded for hazardous materials, in which case the
17 suspension shall not be privileged. Reports received by the
18 Secretary of State under this Section shall also be made
19 available to the parent or guardian of a person under the age
20 of 18 years that holds an instruction permit or a graduated
21 driver's license, regardless of whether the suspension is in
22 effect.

23 The law enforcement officer submitting the sworn report
24 shall serve immediate notice of this suspension on the person
25 and the suspension and disqualification shall be effective on
26 the 46th day following the date notice was given.

1 In cases where the blood alcohol concentration of more
2 than 0.00 is established by a subsequent analysis of blood,
3 other bodily substance, or urine, the police officer or
4 arresting agency shall give notice as provided in this Section
5 or by deposit in the United States mail of that notice in an
6 envelope with postage prepaid and addressed to that person at
7 his last known address and the loss of driving privileges
8 shall be effective on the 46th day following the date notice
9 was given.

10 Upon receipt of the sworn report of a law enforcement
11 officer, the Secretary of State shall also give notice of the
12 suspension and disqualification to the driver by mailing a
13 notice of the effective date of the suspension and
14 disqualification to the individual. However, should the sworn
15 report be defective by not containing sufficient information
16 or be completed in error, the notice of the suspension and
17 disqualification shall not be mailed to the person or entered
18 to the driving record, but rather the sworn report shall be
19 returned to the issuing law enforcement agency.

20 (e) A driver may contest this suspension and
21 disqualification by requesting an administrative hearing with
22 the Secretary of State in accordance with Section 2-118 of
23 this Code. An individual whose blood alcohol concentration is
24 shown to be more than 0.00 is not subject to this Section if he
25 or she consumed alcohol in the performance of a religious
26 service or ceremony. An individual whose blood alcohol

1 concentration is shown to be more than 0.00 shall not be
2 subject to this Section if the individual's blood alcohol
3 concentration resulted only from ingestion of the prescribed
4 or recommended dosage of medicine that contained alcohol. The
5 petition for that hearing shall not stay or delay the
6 effective date of the impending suspension. The scope of this
7 hearing shall be limited to the issues of:

8 (1) whether the police officer had probable cause to
9 believe that the person was driving or in actual physical
10 control of a motor vehicle upon the public highways of the
11 State and the police officer had reason to believe that
12 the person was in violation of any provision of the
13 Illinois Vehicle Code or a similar provision of a local
14 ordinance; and

15 (2) whether the person was issued a Uniform Traffic
16 Ticket for any violation of the Illinois Vehicle Code or a
17 similar provision of a local ordinance; and

18 (3) whether the police officer had probable cause to
19 believe that the driver had consumed any amount of an
20 alcoholic beverage based upon the driver's physical
21 actions or other first-hand knowledge of the police
22 officer; and

23 (4) whether the person, after being advised by the
24 officer that the privilege to operate a motor vehicle
25 would be suspended if the person refused to submit to and
26 complete the test or tests, did refuse to submit to or

1 complete the test or tests to determine the person's
2 alcohol concentration; and

3 (5) whether the person, after being advised by the
4 officer that the privileges to operate a motor vehicle
5 would be suspended if the person submits to a chemical
6 test or tests and the test or tests disclose an alcohol
7 concentration of more than 0.00, did submit to and
8 complete the test or tests that determined an alcohol
9 concentration of more than 0.00; and

10 (6) whether the test result of an alcohol
11 concentration of more than 0.00 was based upon the
12 person's consumption of alcohol in the performance of a
13 religious service or ceremony; and

14 (7) whether the test result of an alcohol
15 concentration of more than 0.00 was based upon the
16 person's consumption of alcohol through ingestion of the
17 prescribed or recommended dosage of medicine.

18 At the conclusion of the hearing held under Section 2-118
19 of this Code, the Secretary of State may rescind, continue, or
20 modify the suspension and disqualification. If the Secretary
21 of State does not rescind the suspension and disqualification,
22 a restricted driving permit may be granted by the Secretary of
23 State upon application being made and good cause shown. A
24 restricted driving permit may be granted to relieve undue
25 hardship by allowing driving for employment, educational, and
26 medical purposes as outlined in item (3) of part (c) of Section

1 6-206 of this Code. The provisions of item (3) of part (c) of
2 Section 6-206 of this Code and of subsection (f) of that
3 Section shall apply. The Secretary of State shall promulgate
4 rules providing for participation in an alcohol education and
5 awareness program or activity, a drug education and awareness
6 program or activity, or both as a condition to the issuance of
7 a restricted driving permit for suspensions imposed under this
8 Section.

9 (f) The results of any chemical testing performed in
10 accordance with subsection (a) of this Section are not
11 admissible in any civil or criminal proceeding, except that
12 the results of the testing may be considered at a hearing held
13 under Section 2-118 of this Code. However, the results of the
14 testing may not be used to impose driver's license sanctions
15 under Section 11-501.1 of this Code. A law enforcement officer
16 may, however, pursue a statutory summary suspension or
17 revocation of driving privileges under Section 11-501.1 of
18 this Code if other physical evidence or first hand knowledge
19 forms the basis of that suspension or revocation.

20 (g) This Section applies only to drivers who are under age
21 21 at the time of the issuance of a Uniform Traffic Ticket for
22 a violation of the Illinois Vehicle Code or a similar
23 provision of a local ordinance, and a chemical test request is
24 made under this Section.

25 (h) The action of the Secretary of State in suspending,
26 revoking, cancelling, or disqualifying any license or permit

1 shall be subject to judicial review in the Circuit Court of
2 Sangamon County or in the Circuit Court of Cook County, and the
3 provisions of the Administrative Review Law and its rules are
4 hereby adopted and shall apply to and govern every action for
5 the judicial review of final acts or decisions of the
6 Secretary of State under this Section.

7 (Source: P.A. 102-538, eff. 8-20-21.)

8 (625 ILCS 5/11-506)

9 Sec. 11-506. Street racing; aggravated street racing.

10 (a) No person shall engage in street racing on any street
11 or highway of this State.

12 (b) No owner of any vehicle shall acquiesce in or permit
13 his or her vehicle to be used by another for the purpose of
14 street racing.

15 (c) For the purposes of this Section, the following words
16 shall have the meanings ascribed to them:

17 "Acquiesce" or "permit" means actual knowledge that the
18 motor vehicle was to be used for the purpose of street racing.

19 "Street racing" means:

20 (1) The operation of 2 or more vehicles from a point
21 side by side at accelerating speeds in a competitive
22 attempt to outdistance each other; or

23 (2) The operation of one or more vehicles over a
24 common selected course, each starting at the same point,
25 for the purpose of comparing the relative speeds or power

1 of acceleration of such vehicle or vehicles within a
2 certain distance or time limit; or

3 (3) The use of one or more vehicles in an attempt to
4 outgain or outdistance another vehicle; or

5 (4) The use of one or more vehicles to prevent another
6 vehicle from passing; or

7 (5) The use of one or more vehicles to arrive at a
8 given destination ahead of another vehicle or vehicles; or

9 (6) The use of one or more vehicles to test the
10 physical stamina or endurance of drivers over
11 long-distance driving routes.

12 (d) Penalties.

13 (1) Any person who is convicted of a violation of
14 subsection (a) shall be guilty of a Class A misdemeanor
15 for the first offense and shall be subject to a minimum
16 fine of \$250. Any person convicted of a violation of
17 subsection (a) a second or subsequent time shall be guilty
18 of a Class 4 felony and shall be subject to a minimum fine
19 of \$500. The driver's license of any person convicted of
20 subsection (a) shall be revoked in the manner provided by
21 Section 6-205 of this Code.

22 (2) Any person who is convicted of a violation of
23 subsection (b) shall be guilty of a Class B misdemeanor.
24 Any person who is convicted of subsection (b) for a second
25 or subsequent time shall be guilty of a Class A
26 misdemeanor.

1 (3) Every person convicted of committing a violation
2 of subsection (a) of this Section shall be guilty of
3 aggravated street racing if the person, in committing a
4 violation of subsection (a) was involved in a motor
5 vehicle crashes ~~accident~~ that resulted in great bodily
6 harm or permanent disability or disfigurement to another,
7 where the violation was a proximate cause of the injury.
8 Aggravated street racing is a Class 4 felony for which the
9 defendant, if sentenced to a term of imprisonment shall be
10 sentenced to not less than one year nor more than 12 years.
11 (Source: P.A. 95-310, eff. 1-1-08.)

12 (625 ILCS 5/11-610) (from Ch. 95 1/2, par. 11-610)
13 Sec. 11-610. Charging Violations and Rule in Civil
14 Actions. (a) In every charge of violation of any speed
15 regulation in this article the complaint, and also the summons
16 or notice to appear, shall specify the speed at which the
17 defendant is alleged to have driven and the maximum speed
18 applicable within the district or at the location.

19 (b) The provision of this article declaring maximum speed
20 limitations shall not be construed to relieve the plaintiff in
21 any action from the burden of proving negligence on the part of
22 the defendant as the proximate cause of a crash ~~an accident~~.

23 (Source: P.A. 79-1069.)

24 (625 ILCS 5/11-1431)

1 Sec. 11-1431. Solicitations at crash ~~accident~~ or
2 disablement scene prohibited.

3 (a) A tower, as defined by Section 1-205.2 of this Code, or
4 an employee or agent of a tower may not: (i) stop at the scene
5 of a motor vehicle crash ~~accident~~ or at or near a damaged or
6 disabled vehicle for the purpose of soliciting the owner or
7 operator of the damaged or disabled vehicle to enter into a
8 towing service transaction; or (ii) stop at the scene of a
9 crash ~~an accident~~ or at or near a damaged or disabled vehicle
10 unless called to the location by a law enforcement officer,
11 the Illinois Department of Transportation, the Illinois State
12 Toll Highway Authority, a local agency having jurisdiction
13 over the highway, the owner or operator of the damaged or
14 disabled vehicle, or the owner or operator's authorized agent,
15 including his or her insurer or motor club of which the owner
16 or operator is a member. This Section shall not apply to
17 employees of the Department, the Illinois State Toll Highway
18 Authority, or local agencies when engaged in their official
19 duties. Nothing in this Section shall prevent a tower from
20 stopping at the scene of a motor vehicle crash ~~accident~~ or at
21 or near a damaged or disabled vehicle if the owner or operator
22 signals the tower for assistance from the location of the
23 motor vehicle crash ~~accident~~ or damaged or disabled vehicle.

24 (b) A person or company who violates this Section is
25 guilty of a Class 4 felony. A person convicted of violating
26 this Section shall also have his or her driver's license,

1 permit, or privileges suspended for 3 months. After the
2 expiration of the 3-month suspension, the person's driver's
3 license, permit, or privileges shall not be reinstated until
4 he or she has paid a reinstatement fee of \$100. If a person
5 violates this Section while his or her driver's license,
6 permit, or privileges are suspended under this subsection (b),
7 his or her driver's license, permit, or privileges shall be
8 suspended for an additional 6 months, and shall not be
9 reinstated after the expiration of the 6-month suspension
10 until he or she pays a reinstatement fee of \$100. A vehicle
11 owner, or his or her authorized agent or automobile insurer,
12 may bring a claim against a company or person who willfully and
13 materially violates this Section. A court may award the
14 prevailing party reasonable attorney's fees, costs, and
15 expenses relating to that action.

16 (Source: P.A. 99-438, eff. 1-1-16; 99-848, eff. 8-19-16;
17 100-201, eff. 8-18-17.)

18 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

19 Sec. 12-215. Oscillating, rotating or flashing lights on
20 motor vehicles. Except as otherwise provided in this Code:

21 (a) The use of red or white oscillating, rotating or
22 flashing lights, whether lighted or unlighted, is prohibited
23 except on:

24 1. Law enforcement vehicles of State, Federal or local
25 authorities;

1 2. A vehicle operated by a police officer or county
2 coroner and designated or authorized by local authorities,
3 in writing, as a law enforcement vehicle; however, such
4 designation or authorization must be carried in the
5 vehicle;

6 2.1. A vehicle operated by a fire chief, deputy fire
7 chief, or assistant fire chief who has completed an
8 emergency vehicle operation training course approved by
9 the Office of the State Fire Marshal and designated or
10 authorized by local authorities, in writing, as a fire
11 department, fire protection district, or township fire
12 department vehicle; however, the designation or
13 authorization must be carried in the vehicle, and the
14 lights may be visible or activated only when responding to
15 a bona fide emergency;

16 3. Vehicles of local fire departments and State or
17 federal firefighting vehicles;

18 4. Vehicles which are designed and used exclusively as
19 ambulances or rescue vehicles; furthermore, such lights
20 shall not be lighted except when responding to an
21 emergency call for and while actually conveying the sick
22 or injured;

23 4.5. Vehicles which are occasionally used as rescue
24 vehicles that have been authorized for use as rescue
25 vehicles by a volunteer EMS provider, provided that the
26 operator of the vehicle has successfully completed an

1 emergency vehicle operation training course recognized by
2 the Department of Public Health; furthermore, the lights
3 shall not be lighted except when responding to an
4 emergency call for the sick or injured;

5 5. Tow trucks licensed in a state that requires such
6 lights; furthermore, such lights shall not be lighted on
7 any such tow truck while the tow truck is operating in the
8 State of Illinois;

9 6. Vehicles of the Illinois Emergency Management
10 Agency, vehicles of the Office of the Illinois State Fire
11 Marshal, vehicles of the Illinois Department of Public
12 Health, vehicles of the Illinois Department of
13 Corrections, and vehicles of the Illinois Department of
14 Juvenile Justice;

15 7. Vehicles operated by a local or county emergency
16 management services agency as defined in the Illinois
17 Emergency Management Agency Act;

18 8. School buses operating alternately flashing head
19 lamps as permitted under Section 12-805 of this Code;

20 9. Vehicles that are equipped and used exclusively as
21 organ transplant vehicles when used in combination with
22 blue oscillating, rotating, or flashing lights;
23 furthermore, these lights shall be lighted only when the
24 transportation is declared an emergency by a member of the
25 transplant team or a representative of the organ
26 procurement organization;

1 10. Vehicles of the Illinois Department of Natural
2 Resources that are used for mine rescue and explosives
3 emergency response;

4 11. Vehicles of the Illinois Department of
5 Transportation identified as Emergency Traffic Patrol; the
6 lights shall not be lighted except when responding to an
7 emergency call or when parked or stationary while engaged
8 in motor vehicle assistance or at the scene of the
9 emergency; and

10 12. Vehicles of the Illinois State Toll Highway
11 Authority with a gross vehicle weight rating of 9,000
12 pounds or more and those identified as Highway Emergency
13 Lane Patrol; the lights shall not be lighted except when
14 responding to an emergency call or when parked or
15 stationary while engaged in motor vehicle assistance or at
16 the scene of the emergency.

17 (b) The use of amber oscillating, rotating or flashing
18 lights, whether lighted or unlighted, is prohibited except on:

19 1. Second division vehicles designed and used for
20 towing or hoisting vehicles; furthermore, such lights
21 shall not be lighted except as required in this paragraph
22 1; such lights shall be lighted when such vehicles are
23 actually being used at the scene of a crash ~~an accident~~ or
24 disablement; if the towing vehicle is equipped with a flat
25 bed that supports all wheels of the vehicle being
26 transported, the lights shall not be lighted while the

1 vehicle is engaged in towing on a highway; if the towing
2 vehicle is not equipped with a flat bed that supports all
3 wheels of a vehicle being transported, the lights shall be
4 lighted while the towing vehicle is engaged in towing on a
5 highway during all times when the use of headlights is
6 required under Section 12-201 of this Code; in addition,
7 these vehicles may use white oscillating, rotating, or
8 flashing lights in combination with amber oscillating,
9 rotating, or flashing lights as provided in this
10 paragraph;

11 2. Motor vehicles or equipment of the State of
12 Illinois, the Illinois State Toll Highway Authority, local
13 authorities and contractors; furthermore, such lights
14 shall not be lighted except while such vehicles are
15 engaged in maintenance or construction operations within
16 the limits of construction projects;

17 3. Vehicles or equipment used by engineering or survey
18 crews; furthermore, such lights shall not be lighted
19 except while such vehicles are actually engaged in work on
20 a highway;

21 4. Vehicles of public utilities, municipalities, or
22 other construction, maintenance or automotive service
23 vehicles except that such lights shall be lighted only as
24 a means for indicating the presence of a vehicular traffic
25 hazard requiring unusual care in approaching, overtaking
26 or passing while such vehicles are engaged in maintenance,

1 service or construction on a highway;

2 5. Oversized vehicle or load; however, such lights
3 shall only be lighted when moving under permit issued by
4 the Department under Section 15-301 of this Code;

5 6. The front and rear of motorized equipment owned and
6 operated by the State of Illinois or any political
7 subdivision thereof, which is designed and used for
8 removal of snow and ice from highways;

9 6.1. The front and rear of motorized equipment or
10 vehicles that (i) are not owned by the State of Illinois or
11 any political subdivision of the State, (ii) are designed
12 and used for removal of snow and ice from highways and
13 parking lots, and (iii) are equipped with a snow plow that
14 is 12 feet in width; these lights may not be lighted except
15 when the motorized equipment or vehicle is actually being
16 used for those purposes on behalf of a unit of government;

17 7. Fleet safety vehicles registered in another state,
18 furthermore, such lights shall not be lighted except as
19 provided for in Section 12-212 of this Code;

20 8. Such other vehicles as may be authorized by local
21 authorities;

22 9. Law enforcement vehicles of State or local
23 authorities when used in combination with red oscillating,
24 rotating or flashing lights;

25 9.5. Propane delivery trucks;

26 10. Vehicles used for collecting or delivering mail

1 for the United States Postal Service provided that such
2 lights shall not be lighted except when such vehicles are
3 actually being used for such purposes;

4 10.5. Vehicles of the Office of the Illinois State
5 Fire Marshal, provided that such lights shall not be
6 lighted except for when such vehicles are engaged in work
7 for the Office of the Illinois State Fire Marshal;

8 11. Any vehicle displaying a slow-moving vehicle
9 emblem as provided in Section 12-205.1;

10 12. All trucks equipped with self-compactors or
11 roll-off hoists and roll-on containers for garbage,
12 recycling, or refuse hauling. Such lights shall not be
13 lighted except when such vehicles are actually being used
14 for such purposes;

15 13. Vehicles used by a security company, alarm
16 responder, control agency, or the Illinois Department of
17 Corrections;

18 14. Security vehicles of the Department of Human
19 Services; however, the lights shall not be lighted except
20 when being used for security related purposes under the
21 direction of the superintendent of the facility where the
22 vehicle is located; and

23 15. Vehicles of union representatives, except that the
24 lights shall be lighted only while the vehicle is within
25 the limits of a construction project.

26 (c) The use of blue oscillating, rotating or flashing

1 lights, whether lighted or unlighted, is prohibited except on:

2 1. Rescue squad vehicles not owned by a fire
3 department and vehicles owned or operated by a:

4 voluntary firefighter;

5 paid firefighter;

6 part-paid firefighter;

7 call firefighter;

8 member of the board of trustees of a fire
9 protection district;

10 paid or unpaid member of a rescue squad;

11 paid or unpaid member of a voluntary ambulance
12 unit; or

13 paid or unpaid members of a local or county
14 emergency management services agency as defined in the
15 Illinois Emergency Management Agency Act, designated
16 or authorized by local authorities, in writing, and
17 carrying that designation or authorization in the
18 vehicle.

19 However, such lights are not to be lighted except when
20 responding to a bona fide emergency or when parked or
21 stationary at the scene of a fire, rescue call, ambulance
22 call, or motor vehicle crash ~~accident~~.

23 Any person using these lights in accordance with this
24 subdivision (c)1 must carry on his or her person an
25 identification card or letter identifying the bona fide
26 member of a fire department, fire protection district,

1 rescue squad, ambulance unit, or emergency management
2 services agency that owns or operates that vehicle. The
3 card or letter must include:

4 (A) the name of the fire department, fire
5 protection district, rescue squad, ambulance unit, or
6 emergency management services agency;

7 (B) the member's position within the fire
8 department, fire protection district, rescue squad,
9 ambulance unit, or emergency management services
10 agency;

11 (C) the member's term of service; and

12 (D) the name of a person within the fire
13 department, fire protection district, rescue squad,
14 ambulance unit, or emergency management services
15 agency to contact to verify the information provided.

16 2. Police department vehicles in cities having a
17 population of 500,000 or more inhabitants.

18 3. Law enforcement vehicles of State or local
19 authorities when used in combination with red oscillating,
20 rotating or flashing lights.

21 4. Vehicles of local fire departments and State or
22 federal firefighting vehicles when used in combination
23 with red oscillating, rotating or flashing lights.

24 5. Vehicles which are designed and used exclusively as
25 ambulances or rescue vehicles when used in combination
26 with red oscillating, rotating or flashing lights;

1 furthermore, such lights shall not be lighted except when
2 responding to an emergency call.

3 6. Vehicles that are equipped and used exclusively as
4 organ transport vehicles when used in combination with red
5 oscillating, rotating, or flashing lights; furthermore,
6 these lights shall only be lighted when the transportation
7 is declared an emergency by a member of the transplant
8 team or a representative of the organ procurement
9 organization.

10 7. Vehicles of the Illinois Emergency Management
11 Agency, vehicles of the Office of the Illinois State Fire
12 Marshal, vehicles of the Illinois Department of Public
13 Health, vehicles of the Illinois Department of
14 Corrections, and vehicles of the Illinois Department of
15 Juvenile Justice, when used in combination with red
16 oscillating, rotating, or flashing lights.

17 8. Vehicles operated by a local or county emergency
18 management services agency as defined in the Illinois
19 Emergency Management Agency Act, when used in combination
20 with red oscillating, rotating, or flashing lights.

21 9. Vehicles of the Illinois Department of Natural
22 Resources that are used for mine rescue and explosives
23 emergency response, when used in combination with red
24 oscillating, rotating, or flashing lights.

25 (c-1) In addition to the blue oscillating, rotating, or
26 flashing lights permitted under subsection (c), and

1 notwithstanding subsection (a), a vehicle operated by a
2 voluntary firefighter, a voluntary member of a rescue squad,
3 or a member of a voluntary ambulance unit may be equipped with
4 flashing white headlights and blue grill lights, which may be
5 used only in responding to an emergency call or when parked or
6 stationary at the scene of a fire, rescue call, ambulance
7 call, or motor vehicle crash ~~accident~~.

8 (c-2) In addition to the blue oscillating, rotating, or
9 flashing lights permitted under subsection (c), and
10 notwithstanding subsection (a), a vehicle operated by a paid
11 or unpaid member of a local or county emergency management
12 services agency as defined in the Illinois Emergency
13 Management Agency Act, may be equipped with white oscillating,
14 rotating, or flashing lights to be used in combination with
15 blue oscillating, rotating, or flashing lights, if
16 authorization by local authorities is in writing and carried
17 in the vehicle.

18 (d) The use of a combination of amber and white
19 oscillating, rotating or flashing lights, whether lighted or
20 unlighted, is prohibited except on second division vehicles
21 designed and used for towing or hoisting vehicles or motor
22 vehicles or equipment of the State of Illinois, local
23 authorities, contractors, and union representatives;
24 furthermore, such lights shall not be lighted on second
25 division vehicles designed and used for towing or hoisting
26 vehicles or vehicles of the State of Illinois, local

1 authorities, and contractors except while such vehicles are
2 engaged in a tow operation, highway maintenance, or
3 construction operations within the limits of highway
4 construction projects, and shall not be lighted on the
5 vehicles of union representatives except when those vehicles
6 are within the limits of a construction project.

7 (e) All oscillating, rotating or flashing lights referred
8 to in this Section shall be of sufficient intensity, when
9 illuminated, to be visible at 500 feet in normal sunlight.

10 (f) Nothing in this Section shall prohibit a manufacturer
11 of oscillating, rotating or flashing lights or his
12 representative or authorized vendor from temporarily mounting
13 such lights on a vehicle for demonstration purposes only. If
14 the lights are not covered while the vehicle is operated upon a
15 highway, the vehicle shall display signage indicating that the
16 vehicle is out of service or not an emergency vehicle. The
17 signage shall be displayed on all sides of the vehicle in
18 letters at least 2 inches tall and one-half inch wide. A
19 vehicle authorized to have oscillating, rotating, or flashing
20 lights mounted for demonstration purposes may not activate the
21 lights while the vehicle is operated upon a highway.

22 (g) Any person violating the provisions of subsections
23 (a), (b), (c) or (d) of this Section who without lawful
24 authority stops or detains or attempts to stop or detain
25 another person shall be guilty of a Class 2 felony.

26 (h) Except as provided in subsection (g) above, any person

1 violating the provisions of subsections (a) or (c) of this
2 Section shall be guilty of a Class A misdemeanor.

3 (Source: P.A. 100-62, eff. 8-11-17; 101-56, eff. 1-1-20.)

4 (625 ILCS 5/12-604.1)

5 Sec. 12-604.1. Video devices.

6 (a) A person may not operate a motor vehicle if a
7 television receiver, a video monitor, a television or video
8 screen, or any other similar means of visually displaying a
9 television broadcast or video signal that produces
10 entertainment or business applications is operating and is
11 located in the motor vehicle at any point forward of the back
12 of the driver's seat, or is operating and visible to the driver
13 while driving the motor vehicle.

14 (a-5) A person commits aggravated use of a video device
15 when he or she violates subsection (a) and in committing the
16 violation he or she was involved in a motor vehicle crash
17 ~~accident~~ that results in great bodily harm, permanent
18 disability, disfigurement, or death to another and the
19 violation was a proximate cause of the injury or death.

20 (b) This Section does not apply to the following
21 equipment, whether or not permanently installed in a vehicle:

22 (1) a vehicle information display;

23 (2) a global positioning display;

24 (3) a mapping or navigation display;

25 (4) a visual display used to enhance or supplement the

1 driver's view forward, behind, or to the sides of a motor
2 vehicle for the purpose of maneuvering the vehicle;

3 (5) television-type receiving equipment used
4 exclusively for safety or traffic engineering studies; or

5 (6) a television receiver, video monitor, television
6 or video screen, or any other similar means of visually
7 displaying a television broadcast or video signal, if that
8 equipment has an interlock device that, when the motor
9 vehicle is driven, disables the equipment for all uses
10 except as a visual display as described in paragraphs (1)
11 through (5) of this subsection (b).

12 (c) This Section does not apply to a mobile, digital
13 terminal installed in an authorized emergency vehicle, a motor
14 vehicle providing emergency road service or roadside
15 assistance, or to motor vehicles utilized for public
16 transportation.

17 (d) This Section does not apply to a television receiver,
18 video monitor, television or video screen, or any other
19 similar means of visually displaying a television broadcast or
20 video signal if: (i) the equipment is permanently installed in
21 the motor vehicle; and (ii) the moving entertainment images
22 that the equipment displays are not visible to the driver
23 while the motor vehicle is in motion.

24 (d-5) This Section does not apply to a video event
25 recorder, as defined in Section 1-218.10 of this Code,
26 installed in a contract carrier vehicle.

1 (e) Except as provided in subsection (f) of this Section,
2 a person convicted of violating this Section is guilty of a
3 petty offense and shall be fined not more than \$100 for a first
4 offense, not more than \$200 for a second offense within one
5 year of a previous conviction, and not more than \$250 for a
6 third or subsequent offense within one year of 2 previous
7 convictions.

8 (f) A person convicted of violating subsection (a-5)
9 commits a Class A misdemeanor if the violation resulted in
10 great bodily harm, permanent disability, or disfigurement to
11 another. A person convicted of violating subsection (a-5)
12 commits a Class 4 felony if the violation resulted in the death
13 of another person.

14 (Source: P.A. 98-507, eff. 1-1-14; 99-689, eff. 1-1-17.)

15 (625 ILCS 5/12-610.1)

16 Sec. 12-610.1. Wireless telephones.

17 (a) As used in this Section, "wireless telephone" means a
18 device that is capable of transmitting or receiving telephonic
19 communications without a wire connecting the device to the
20 telephone network.

21 (b) A person under the age of 19 years who holds an
22 instruction permit issued under Section 6-105 or 6-107.1, or a
23 person under the age of 19 years who holds a graduated license
24 issued under Section 6-107, may not drive a vehicle on a
25 roadway while using a wireless phone.

1 (b-5) A person under the age of 19 commits aggravated use
2 of a wireless telephone when he or she violates subsection (b)
3 and in committing the violation he or she was involved in a
4 motor vehicle crash ~~accident~~ that results in great bodily
5 harm, permanent disability, disfigurement, or death to another
6 and the violation was a proximate cause of the injury or death.

7 (c) This Section does not apply to a person under the age
8 of 19 years using a wireless telephone for emergency purposes,
9 including, but not limited to, an emergency call to a law
10 enforcement agency, health care provider, fire department, or
11 other emergency services agency or entity.

12 (d) If a graduated driver's license holder over the age of
13 18 committed an offense against traffic regulations governing
14 the movement of vehicles or any violation of Section 6-107 or
15 Section 12-603.1 of this Code in the 6 months prior to the
16 graduated driver's license holder's 18th birthday, and was
17 subsequently convicted of the violation, the provisions of
18 paragraph (b) shall continue to apply until such time as a
19 period of 6 consecutive months has elapsed without an
20 additional violation and subsequent conviction of an offense
21 against traffic regulations governing the movement of vehicles
22 or any violation of Section 6-107 or Section 12-603.1 of this
23 Code.

24 (e) A person, regardless of age, may not use a wireless
25 telephone at any time while operating a motor vehicle on a
26 roadway in a school speed zone established under Section

1 11-605, on a highway in a construction or maintenance speed
2 zone established under Section 11-605.1, or within 500 feet of
3 an emergency scene. As used in this Section, "emergency scene"
4 means a location where an authorized emergency vehicle as
5 defined by Section 1-105 of this Code is present and has
6 activated its oscillating, rotating, or flashing lights. This
7 subsection (e) does not apply to (i) a person engaged in a
8 highway construction or maintenance project for which a
9 construction or maintenance speed zone has been established
10 under Section 11-605.1, (ii) a person using a wireless
11 telephone for emergency purposes, including, but not limited
12 to, law enforcement agency, health care provider, fire
13 department, or other emergency services agency or entity,
14 (iii) a law enforcement officer or operator of an emergency
15 vehicle when performing the officer's or operator's official
16 duties, (iv) a person using a wireless telephone in
17 voice-operated mode, which may include the use of a headset,
18 (v) a person using a wireless telephone by pressing a single
19 button to initiate or terminate a voice communication, or (vi)
20 a person using an electronic communication device for the sole
21 purpose of reporting an emergency situation and continued
22 communication with emergency personnel during the emergency
23 situation.

24 (e-5) A person commits aggravated use of a wireless
25 telephone when he or she violates subsection (e) and in
26 committing the violation he or she was involved in a motor

1 vehicle crash ~~accident~~ that results in great bodily harm,
2 permanent disability, disfigurement, or death to another and
3 the violation was a proximate cause of the injury or death.

4 (f) A person convicted of violating subsection (b-5) or
5 (e-5) commits a Class A misdemeanor if the violation resulted
6 in great bodily harm, permanent disability, or disfigurement
7 to another. A person convicted of violating subsection (b-5)
8 or (e-5) commits a Class 4 felony if the violation resulted in
9 the death of another person.

10 (Source: P.A. 97-828, eff. 7-20-12; 97-830, eff. 1-1-13;
11 98-463, eff. 8-16-13; 98-507, eff. 1-1-14.)

12 (625 ILCS 5/12-610.2)

13 Sec. 12-610.2. Electronic communication devices.

14 (a) As used in this Section:

15 "Electronic communication device" means an electronic
16 device, including, but not limited to, a hand-held wireless
17 telephone, hand-held personal digital assistant, or a portable
18 or mobile computer, but does not include a global positioning
19 system or navigation system or a device that is physically or
20 electronically integrated into the motor vehicle.

21 (b) A person may not operate a motor vehicle on a roadway
22 while using an electronic communication device, including
23 using an electronic communication device to watch or stream
24 video.

25 (b-5) A person commits aggravated use of an electronic

1 communication device when he or she violates subsection (b)
2 and in committing the violation he or she is involved in a
3 motor vehicle crash ~~accident~~ that results in great bodily
4 harm, permanent disability, disfigurement, or death to another
5 and the violation is a proximate cause of the injury or death.

6 (c) A violation of this Section is an offense against
7 traffic regulations governing the movement of vehicles. A
8 person who violates this Section shall be fined a maximum of
9 \$75 for a first offense, \$100 for a second offense, \$125 for a
10 third offense, and \$150 for a fourth or subsequent offense,
11 except that a person who violates subsection (b-5) shall be
12 assessed a minimum fine of \$1,000.

13 (d) This Section does not apply to:

14 (1) a law enforcement officer or operator of an
15 emergency vehicle while performing his or her official
16 duties;

17 (1.5) a first responder, including a volunteer first
18 responder, while operating his or her own personal motor
19 vehicle using an electronic communication device for the
20 sole purpose of receiving information about an emergency
21 situation while en route to performing his or her official
22 duties;

23 (2) a driver using an electronic communication device
24 for the sole purpose of reporting an emergency situation
25 and continued communication with emergency personnel
26 during the emergency situation;

1 (3) a driver using an electronic communication device
2 in hands-free or voice-operated mode, which may include
3 the use of a headset;

4 (4) a driver of a commercial motor vehicle reading a
5 message displayed on a permanently installed communication
6 device designed for a commercial motor vehicle with a
7 screen that does not exceed 10 inches tall by 10 inches
8 wide in size;

9 (5) a driver using an electronic communication device
10 while parked on the shoulder of a roadway;

11 (6) a driver using an electronic communication device
12 when the vehicle is stopped due to normal traffic being
13 obstructed and the driver has the motor vehicle
14 transmission in neutral or park;

15 (7) a driver using two-way or citizens band radio
16 services;

17 (8) a driver using two-way mobile radio transmitters
18 or receivers for licensees of the Federal Communications
19 Commission in the amateur radio service;

20 (9) a driver using an electronic communication device
21 by pressing a single button to initiate or terminate a
22 voice communication; or

23 (10) a driver using an electronic communication device
24 capable of performing multiple functions, other than a
25 hand-held wireless telephone or hand-held personal digital
26 assistant (for example, a fleet management system,

1 dispatching device, citizens band radio, or music player)
2 for a purpose that is not otherwise prohibited by this
3 Section.

4 (e) A person convicted of violating subsection (b-5)
5 commits a Class A misdemeanor if the violation resulted in
6 great bodily harm, permanent disability, or disfigurement to
7 another. A person convicted of violating subsection (b-5)
8 commits a Class 4 felony if the violation resulted in the death
9 of another person.

10 (Source: P.A. 101-81, eff. 7-12-19; 101-90, eff. 7-1-20;
11 101-297, eff. 1-1-20; 102-558, eff. 8-20-21.)

12 (625 ILCS 5/12-707.01) (from Ch. 95 1/2, par. 12-707.01)
13 Sec. 12-707.01. Liability insurance.

14 (a) No school bus, first division vehicle including a taxi
15 which is used for a purpose that requires a school bus driver
16 permit, commuter van or motor vehicle owned by or used for hire
17 by and in connection with the operation of private or public
18 schools, day camps, summer camps or nursery schools, and no
19 commuter van or passenger car used for a for-profit
20 ridesharing arrangement, shall be operated for such purposes
21 unless the owner thereof shall carry a minimum of personal
22 injury liability insurance in the amount of \$25,000 for any
23 one person in any one crash ~~accident~~, and subject to the limit
24 for one person, \$100,000 for two or more persons injured by
25 reason of the operation of the vehicle in any one crash

1 ~~accident~~. This subsection (a) applies only to personal injury
2 liability policies issued or renewed before January 1, 2013.

3 (b) Liability insurance policies issued or renewed on and
4 after January 1, 2013 shall comply with the following:

5 (1) except as provided in subparagraph (2) of this
6 subsection (b), any vehicle that is used for a purpose
7 that requires a school bus driver permit under Section
8 6-104 of this Code shall carry a minimum of liability
9 insurance in the amount of \$2,000,000. This minimum
10 insurance requirement may be satisfied by either (i) a
11 \$2,000,000 combined single limit primary commercial
12 automobile policy; or (ii) a \$1 million primary commercial
13 automobile policy and a minimum \$5,000,000 excess or
14 umbrella liability policy;

15 (2) any vehicle that is used for a purpose that
16 requires a school bus driver permit under Section 6-104 of
17 this Code and is used in connection with the operation of
18 private day care facilities, day camps, summer camps, or
19 nursery schools shall carry a minimum of liability
20 insurance in the amount of \$1,000,000 combined single
21 limit per crash ~~accident~~;

22 (3) any commuter van or passenger car used for a
23 for-profit ridesharing arrangement shall carry a minimum
24 of liability insurance in the amount of \$500,000 combined
25 single limit per crash ~~accident~~.

26 (c) Primary insurance coverage under the provisions of

1 this Section must be provided by a licensed and admitted
2 insurance carrier or an intergovernmental cooperative formed
3 under Section 10 of Article VII of the Illinois Constitution,
4 or Section 6 or 9 of the Intergovernmental Cooperation Act, or
5 provided by a certified self-insurer under Section 7-502 of
6 this Code. The excess or umbrella liability coverage
7 requirement may be met by securing surplus line insurance as
8 defined under Section 445 of the Illinois Insurance Code. If
9 the excess or umbrella liability coverage requirement is met
10 by securing surplus line insurance, that coverage must be
11 effected through a licensed surplus line producer acting under
12 the surplus line insurance laws and regulations of this State.
13 Nothing in this subsection (c) shall be construed as
14 prohibiting a licensed and admitted insurance carrier or an
15 intergovernmental cooperative formed under Section 10 of
16 Article VII of the Illinois Constitution, or Section 6 or 9 of
17 the Intergovernmental Cooperation Act, or a certified
18 self-insurer under Section 7-502 of this Code, from retaining
19 the risk required under paragraphs (1) and (2) of subsection
20 (b) of this Section or issuing a single primary policy meeting
21 the requirements of paragraphs (1) and (2) of subsection (b).

22 (d) Each owner of a vehicle required to obtain the minimum
23 liability requirements under subsection (b) of this Section
24 shall attest that the vehicle meets the minimum insurance
25 requirements under this Section. The Secretary of State shall
26 create a form for each owner of a vehicle to attest that the

1 owner meets the minimum insurance requirements and the owner
2 of the vehicle shall submit the form with each registration
3 application. The form shall be valid for the full registration
4 period; however, if at any time the Secretary has reason to
5 believe that the owner does not have the minimum required
6 amount of insurance for a vehicle, then the Secretary may
7 require a certificate of insurance, or its equivalent, to
8 ensure the vehicle is insured. If the owner fails to produce a
9 certificate of insurance, or its equivalent, within 2 calendar
10 days after the request was made, then the Secretary may revoke
11 the vehicle owner's registration until the Secretary is
12 assured the vehicle meets the minimum insurance requirements.
13 If the owner of a vehicle participates in an intergovernmental
14 cooperative or is self-insured, then the owner shall attest
15 that the insurance required under this Section is equivalent
16 to or greater than the insurance required under paragraph (1)
17 of subsection (b) of this Section. The Secretary may adopt any
18 rules necessary to enforce the provisions of this subsection
19 (d).

20 (Source: P.A. 99-595, eff. 1-1-17.)

21 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

22 Sec. 13-109. Safety test prior to application for license
23 - Subsequent tests - Repairs - Retest.

24 (a) Except as otherwise provided in Chapter 13, each
25 second division vehicle, first division vehicle including a

1 taxi which is used for a purpose that requires a school bus
2 driver permit, and medical transport vehicle, except those
3 vehicles other than school buses or medical transport vehicles
4 owned or operated by a municipal corporation or political
5 subdivision having a population of 1,000,000 or more
6 inhabitants which are subjected to safety tests imposed by
7 local ordinance or resolution, operated in whole or in part
8 over the highways of this State, motor vehicle used for driver
9 education training, and each vehicle designed to carry 15 or
10 fewer passengers operated by a contract carrier transporting
11 employees in the course of their employment on a highway of
12 this State, shall be subjected to the safety test provided for
13 in Chapter 13 of this Code. Tests shall be conducted at an
14 official testing station within 6 months prior to the
15 application for registration as provided for in this Code.
16 Subsequently each vehicle shall be subject to tests (i) at
17 least every 6 months, (ii) in the case of school buses and
18 first division vehicles including taxis which are used for a
19 purpose that requires a school bus driver permit, at least
20 every 6 months or 10,000 miles, whichever occurs first, (iii)
21 in the case of driver education vehicles used by public high
22 schools, at least every 12 months for vehicles over 5 model
23 years of age or having an odometer reading of over 75,000
24 miles, whichever occurs first, or (iv) in the case of truck
25 tractors, semitrailers, and property-carrying vehicles
26 registered for a gross weight of more than 10,000 pounds but

1 less than 26,001 pounds, at least every 12 months, and
2 according to schedules established by rules and regulations
3 promulgated by the Department. Any component subject to
4 regular inspection which is damaged in a reportable crash
5 ~~accident~~ must be reinspected before the bus or first division
6 vehicle including a taxi which is used for a purpose that
7 requires a school bus driver permit is returned to service.

8 (b) The Department shall also conduct periodic
9 nonscheduled inspections of school buses, of buses registered
10 as charitable vehicles and of religious organization buses. If
11 such inspection reveals that a vehicle is not in substantial
12 compliance with the rules promulgated by the Department, the
13 Department shall remove the Certificate of Safety from the
14 vehicle, and shall place the vehicle out-of-service. A bright
15 orange, triangular decal shall be placed on an out-of-service
16 vehicle where the Certificate of Safety has been removed. The
17 vehicle must pass a safety test at an official testing station
18 before it is again placed in service.

19 (c) If the violation is not substantial a bright yellow,
20 triangular sticker shall be placed next to the Certificate of
21 Safety at the time the nonscheduled inspection is made. The
22 Department shall reinspect the vehicle after 3 working days to
23 determine that the violation has been corrected and remove the
24 yellow, triangular decal. If the violation is not corrected
25 within 3 working days, the Department shall place the vehicle
26 out-of-service in accordance with procedures in subsection

1 (b).

2 (d) If a violation is not substantial and does not
3 directly affect the safe operation of the vehicle, the
4 Department shall issue a warning notice requiring correction
5 of the violation. Such correction shall be accomplished as
6 soon as practicable and a report of the correction shall be
7 made to the Department within 30 days in a manner established
8 by the Department. If the Department has not been advised that
9 the corrections have been made, and the violations still
10 exist, the Department shall place the vehicle out-of-service
11 in accordance with procedures in subsection (b).

12 (e) The Department is authorized to promulgate regulations
13 to implement its program of nonscheduled inspections. Causing
14 or allowing the operation of an out-of-service vehicle with
15 passengers or unauthorized removal of an out-of-service
16 sticker is a Class 3 felony. Causing or allowing the operation
17 of a vehicle with a 3-day sticker for longer than 3 days with
18 the sticker attached or the unauthorized removal of a 3-day
19 sticker is a Class C misdemeanor.

20 (f) If a second division vehicle, first division vehicle
21 including a taxi which is used for a purpose that requires a
22 school bus driver permit, medical transport vehicle, or
23 vehicle operated by a contract carrier as provided in
24 subsection (a) of this Section is in safe mechanical
25 condition, as determined pursuant to Chapter 13, the operator
26 of the official testing station must at once issue to the

1 second division vehicle, first division vehicle including a
2 taxi which is used for a purpose that requires a school bus
3 driver permit, or medical transport vehicle a certificate of
4 safety, in the form and manner prescribed by the Department,
5 which shall be affixed to the vehicle by the certified safety
6 tester who performed the safety tests. The owner of the second
7 division vehicle, first division vehicle including a taxi
8 which is used for a purpose that requires a school bus driver
9 permit, or medical transport vehicle or the contract carrier
10 shall at all times display the Certificate of Safety on the
11 second division vehicle, first division vehicle including a
12 taxi which is used for a purpose that requires a school bus
13 driver permit, medical transport vehicle, or vehicle operated
14 by a contract carrier in the manner prescribed by the
15 Department.

16 (g) If a test shows that a second division vehicle, first
17 division vehicle including a taxi which is used for a purpose
18 that requires a school bus driver permit, medical transport
19 vehicle, or vehicle operated by a contract carrier is not in
20 safe mechanical condition as provided in this Section, it
21 shall not be operated on the highways until it has been
22 repaired and submitted to a retest at an official testing
23 station. If the owner or contract carrier submits the vehicle
24 to a retest at a different official testing station from that
25 where it failed to pass the first test, he or she shall present
26 to the operator of the second station the report of the

1 original test, and shall notify the Department in writing,
2 giving the name and address of the original testing station
3 and the defects which prevented the issuance of a Certificate
4 of Safety, and the name and address of the second official
5 testing station making the retest.

6 (Source: P.A. 100-160, eff. 1-1-18; 100-683, eff. 1-1-19.)

7 (625 ILCS 5/13-111) (from Ch. 95 1/2, par. 13-111)

8 Sec. 13-111. Operation without certificate of safety
9 attached; Effective date of certificate.

10 (a) Except as provided for in Chapter 13, no person shall
11 operate any vehicle required to be inspected by this Chapter
12 upon the highways of this State unless there is affixed to that
13 vehicle a certificate of safety then in effect. The Secretary
14 of State, State Police, and other police officers shall
15 enforce this Section. The Department shall determine the
16 expiration date of the certificate of safety.

17 The certificates, all forms and records, reports of tests
18 and retests, and the full procedure and methods of making the
19 tests and retests, shall be in the form prescribed by the
20 Department.

21 (b) Every person convicted of violating this Section is
22 guilty of a petty offense with a minimum fine of \$95 and a
23 maximum fine of \$250; unless the violation is contemporaneous
24 with a motor vehicle crash ~~accident~~, in which case the person
25 is guilty of a Class C misdemeanor.

1 (Source: P.A. 98-489, eff. 1-1-14.)

2 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

3 Sec. 15-301. Permits for excess size and weight.

4 (a) The Department with respect to highways under its
5 jurisdiction and local authorities with respect to highways
6 under their jurisdiction may, in their discretion, upon
7 application and good cause being shown therefor, issue a
8 special permit authorizing the applicant to operate or move a
9 vehicle or combination of vehicles of a size or weight of
10 vehicle or load exceeding the maximum specified in this Code
11 or otherwise not in conformity with this Code upon any highway
12 under the jurisdiction of the party granting such permit and
13 for the maintenance of which the party is responsible.
14 Applications and permits other than those in written or
15 printed form may only be accepted from and issued to the
16 company or individual making the movement. Except for an
17 application to move directly across a highway, it shall be the
18 duty of the applicant to establish in the application that the
19 load to be moved by such vehicle or combination cannot
20 reasonably be dismantled or disassembled, the reasonableness
21 of which shall be determined by the Secretary of the
22 Department. For the purpose of over length movements, more
23 than one object may be carried side by side as long as the
24 height, width, and weight laws are not exceeded and the cause
25 for the over length is not due to multiple objects. For the

1 purpose of over height movements, more than one object may be
2 carried as long as the cause for the over height is not due to
3 multiple objects and the length, width, and weight laws are
4 not exceeded. For the purpose of an over width movement, more
5 than one object may be carried as long as the cause for the
6 over width is not due to multiple objects and length, height,
7 and weight laws are not exceeded. Except for transporting
8 fluid milk products, no State or local agency shall authorize
9 the issuance of excess size or weight permits for vehicles and
10 loads that are divisible and that can be carried, when
11 divided, within the existing size or weight maximums specified
12 in this Chapter. Any excess size or weight permit issued in
13 violation of the provisions of this Section shall be void at
14 issue and any movement made thereunder shall not be authorized
15 under the terms of the void permit. In any prosecution for a
16 violation of this Chapter when the authorization of an excess
17 size or weight permit is at issue, it is the burden of the
18 defendant to establish that the permit was valid because the
19 load to be moved could not reasonably be dismantled or
20 disassembled, or was otherwise nondivisible.

21 (a-1) As used in this Section, "extreme heavy duty tow and
22 recovery vehicle" means a tow truck manufactured as a unit
23 having a lifting capacity of not less than 50 tons, and having
24 either 4 axles and an unladen weight of not more than 80,000
25 pounds or 5 axles and an unladen weight not more than 90,000
26 pounds. Notwithstanding otherwise applicable gross and axle

1 weight limits, an extreme heavy duty tow and recovery vehicle
2 may lawfully travel to and from the scene of a disablement and
3 clear a disabled vehicle if the towing service has obtained an
4 extreme heavy duty tow and recovery permit for the vehicle.
5 The form and content of the permit shall be determined by the
6 Department with respect to highways under its jurisdiction and
7 by local authorities with respect to highways under their
8 jurisdiction.

9 (b) The application for any such permit shall: (1) state
10 whether such permit is requested for a single trip or for
11 limited continuous operation; (2) (blank); (3) specifically
12 describe and identify the vehicle or vehicles and load to be
13 operated or moved; (4) state the routing requested, including
14 the points of origin and destination, and may identify and
15 include a request for routing to the nearest certified scale
16 in accordance with the Department's rules and regulations,
17 provided the applicant has approval to travel on local roads;
18 and (5) (blank).

19 (c) The Department or local authority when not
20 inconsistent with traffic safety is authorized to issue or
21 withhold such permit at its discretion; or, if such permit is
22 issued at its discretion to prescribe the route or routes to be
23 traveled, to limit the number of trips, to establish seasonal
24 or other time limitations within which the vehicles described
25 may be operated on the highways indicated, or otherwise to
26 limit or prescribe conditions of operations of such vehicle or

1 vehicles, when necessary to assure against undue damage to the
2 road foundations, surfaces or structures, and may require such
3 undertaking or other security as may be deemed necessary to
4 compensate for any injury to any roadway or road structure.
5 The Department shall maintain a daily record of each permit
6 issued along with the fee and the stipulated dimensions,
7 weights, conditions, and restrictions authorized and this
8 record shall be presumed correct in any case of questions or
9 dispute. The Department shall install an automatic device for
10 recording telephone conversations involving permit
11 applications. The Department and applicant waive all
12 objections to the recording of the conversation.

13 (d) The Department shall, upon application in writing from
14 any local authority, issue an annual permit authorizing the
15 local authority to move oversize highway construction,
16 transportation, utility, and maintenance equipment over roads
17 under the jurisdiction of the Department. The permit shall be
18 applicable only to equipment and vehicles owned by or
19 registered in the name of the local authority, and no fee shall
20 be charged for the issuance of such permits.

21 (e) As an exception to subsection (a) of this Section, the
22 Department and local authorities, with respect to highways
23 under their respective jurisdictions, in their discretion and
24 upon application in writing, may issue a special permit for
25 limited continuous operation, authorizing the applicant to
26 move loads of agricultural commodities on a 2-axle single

1 vehicle registered by the Secretary of State with axle loads
2 not to exceed 35%, on a 3-axle or 4-axle vehicle registered by
3 the Secretary of State with axle loads not to exceed 20%, and
4 on a 5-axle vehicle registered by the Secretary of State not to
5 exceed 10% above those provided in Section 15-111. The total
6 gross weight of the vehicle, however, may not exceed the
7 maximum gross weight of the registration class of the vehicle
8 allowed under Section 3-815 or 3-818 of this Code.

9 As used in this Section, "agricultural commodities" means:

10 (1) cultivated plants or agricultural produce grown,
11 including, but not limited to, corn, soybeans, wheat,
12 oats, grain sorghum, canola, and rice;

13 (2) livestock, including, but not limited to, hogs,
14 equine, sheep, and poultry;

15 (3) ensilage; and

16 (4) fruits and vegetables.

17 Permits may be issued for a period not to exceed 40 days
18 and moves may be made of a distance not to exceed 50 miles from
19 a field, an on-farm grain storage facility, a warehouse as
20 defined in the Grain Code, or a livestock management facility
21 as defined in the Livestock Management Facilities Act over any
22 highway except the National System of Interstate and Defense
23 Highways. The operator of the vehicle, however, must abide by
24 posted bridge and posted highway weight limits. All implements
25 of husbandry operating under this Section between sunset and
26 sunrise shall be equipped as prescribed in Section 12-205.1.

1 (e-1) A special permit shall be issued by the Department
2 under this Section and shall be required from September 1
3 through December 31 for a vehicle that exceeds the maximum
4 axle weight and gross weight limits under Section 15-111 of
5 this Code or exceeds the vehicle's registered gross weight,
6 provided that the vehicle's axle weight and gross weight do
7 not exceed 10% above the maximum limits under Section 15-111
8 of this Code and does not exceed the vehicle's registered
9 gross weight by 10%. All other restrictions that apply to
10 permits issued under this Section shall apply during the
11 declared time period and no fee shall be charged for the
12 issuance of those permits. Permits issued by the Department
13 under this subsection (e-1) are only valid on federal and
14 State highways under the jurisdiction of the Department,
15 except interstate highways. With respect to highways under the
16 jurisdiction of local authorities, the local authorities may,
17 at their discretion, waive special permit requirements and set
18 a divisible load weight limit not to exceed 10% above a
19 vehicle's registered gross weight, provided that the vehicle's
20 axle weight and gross weight do not exceed 10% above the
21 maximum limits specified in Section 15-111. Permits issued
22 under this subsection (e-1) shall apply to all registered
23 vehicles eligible to obtain permits under this Section,
24 including vehicles used in private or for-hire movement of
25 divisible load agricultural commodities during the declared
26 time period.

1 (f) The form and content of the permit shall be determined
2 by the Department with respect to highways under its
3 jurisdiction and by local authorities with respect to highways
4 under their jurisdiction. Every permit shall be in written
5 form and carried in the vehicle or combination of vehicles to
6 which it refers and shall be open to inspection by any police
7 officer or authorized agent of any authority granting the
8 permit and no person shall violate any of the terms or
9 conditions of such special permit. Violation of the terms and
10 conditions of the permit shall not be deemed a revocation of
11 the permit; however, any vehicle and load found to be off the
12 route prescribed in the permit shall be held to be operating
13 without a permit. Any off-route vehicle and load shall be
14 required to obtain a new permit or permits, as necessary, to
15 authorize the movement back onto the original permit routing.
16 No rule or regulation, nor anything herein, shall be construed
17 to authorize any police officer, court, or authorized agent of
18 any authority granting the permit to remove the permit from
19 the possession of the permittee unless the permittee is
20 charged with a fraudulent permit violation as provided in
21 subsection (i). However, upon arrest for an offense of
22 violation of permit, operating without a permit when the
23 vehicle is off route, or any size or weight offense under this
24 Chapter when the permittee plans to raise the issuance of the
25 permit as a defense, the permittee, or his agent, must produce
26 the permit at any court hearing concerning the alleged

1 offense.

2 If the permit designates and includes a routing to a
3 certified scale, the permittee, while en route to the
4 designated scale, shall be deemed in compliance with the
5 weight provisions of the permit provided the axle or gross
6 weights do not exceed any of the permitted limits by more than
7 the following amounts:

8 Single axle 2000 pounds

9 Tandem axle 3000 pounds

10 Gross 5000 pounds

11 (g) The Department is authorized to adopt, amend, and make
12 available to interested persons a policy concerning reasonable
13 rules, limitations and conditions or provisions of operation
14 upon highways under its jurisdiction in addition to those
15 contained in this Section for the movement by special permit
16 of vehicles, combinations, or loads which cannot reasonably be
17 dismantled or disassembled, including manufactured and modular
18 home sections and portions thereof. All rules, limitations and
19 conditions or provisions adopted in the policy shall have due
20 regard for the safety of the traveling public and the
21 protection of the highway system and shall have been
22 promulgated in conformity with the provisions of the Illinois
23 Administrative Procedure Act. The requirements of the policy
24 for flagmen and escort vehicles shall be the same for all moves
25 of comparable size and weight. When escort vehicles are
26 required, they shall meet the following requirements:

1 (1) All operators shall be 18 years of age or over and
2 properly licensed to operate the vehicle.

3 (2) Vehicles escorting oversized loads more than 12
4 feet wide must be equipped with a rotating or flashing
5 amber light mounted on top as specified under Section
6 12-215.

7 The Department shall establish reasonable rules and
8 regulations regarding liability insurance or self insurance
9 for vehicles with oversized loads promulgated under the
10 Illinois Administrative Procedure Act. Police vehicles may be
11 required for escort under circumstances as required by rules
12 and regulations of the Department.

13 (h) Violation of any rule, limitation or condition or
14 provision of any permit issued in accordance with the
15 provisions of this Section shall not render the entire permit
16 null and void but the violator shall be deemed guilty of
17 violation of permit and guilty of exceeding any size, weight,
18 or load limitations in excess of those authorized by the
19 permit. The prescribed route or routes on the permit are not
20 mere rules, limitations, conditions, or provisions of the
21 permit, but are also the sole extent of the authorization
22 granted by the permit. If a vehicle and load are found to be
23 off the route or routes prescribed by any permit authorizing
24 movement, the vehicle and load are operating without a permit.
25 Any off-route movement shall be subject to the size and weight
26 maximums, under the applicable provisions of this Chapter, as

1 determined by the type or class highway upon which the vehicle
2 and load are being operated.

3 (i) Whenever any vehicle is operated or movement made
4 under a fraudulent permit, the permit shall be void, and the
5 person, firm, or corporation to whom such permit was granted,
6 the driver of such vehicle in addition to the person who issued
7 such permit and any accessory, shall be guilty of fraud and
8 either one or all persons may be prosecuted for such
9 violation. Any person, firm, or corporation committing such
10 violation shall be guilty of a Class 4 felony and the
11 Department shall not issue permits to the person, firm, or
12 corporation convicted of such violation for a period of one
13 year after the date of conviction. Penalties for violations of
14 this Section shall be in addition to any penalties imposed for
15 violation of other Sections of this Code.

16 (j) Whenever any vehicle is operated or movement made in
17 violation of a permit issued in accordance with this Section,
18 the person to whom such permit was granted, or the driver of
19 such vehicle, is guilty of such violation and either, but not
20 both, persons may be prosecuted for such violation as stated
21 in this subsection (j). Any person, firm, or corporation
22 convicted of such violation shall be guilty of a petty offense
23 and shall be fined, for the first offense, not less than \$50
24 nor more than \$200 and, for the second offense by the same
25 person, firm, or corporation within a period of one year, not
26 less than \$200 nor more than \$300 and, for the third offense by

1 the same person, firm, or corporation within a period of one
2 year after the date of the first offense, not less than \$300
3 nor more than \$500 and the Department may, in its discretion,
4 not issue permits to the person, firm, or corporation
5 convicted of a third offense during a period of one year after
6 the date of conviction or supervision for such third offense.
7 If any violation is the cause or contributing cause in a motor
8 vehicle crash ~~accident~~ causing damage to property, injury, or
9 death to a person, the Department may, in its discretion, not
10 issue a permit to the person, firm, or corporation for a period
11 of one year after the date of conviction or supervision for the
12 offense.

13 (k) Whenever any vehicle is operated on local roads under
14 permits for excess width or length issued by local
15 authorities, such vehicle may be moved upon a State highway
16 for a distance not to exceed one-half mile without a permit for
17 the purpose of crossing the State highway.

18 (l) Notwithstanding any other provision of this Section,
19 the Department, with respect to highways under its
20 jurisdiction, and local authorities, with respect to highways
21 under their jurisdiction, may at their discretion authorize
22 the movement of a vehicle in violation of any size or weight
23 requirement, or both, that would not ordinarily be eligible
24 for a permit, when there is a showing of extreme necessity that
25 the vehicle and load should be moved without unnecessary
26 delay.

1 For the purpose of this subsection, showing of extreme
2 necessity shall be limited to the following: shipments of
3 livestock, hazardous materials, liquid concrete being hauled
4 in a mobile cement mixer, or hot asphalt.

5 (m) Penalties for violations of this Section shall be in
6 addition to any penalties imposed for violating any other
7 Section of this Code.

8 (n) The Department with respect to highways under its
9 jurisdiction and local authorities with respect to highways
10 under their jurisdiction, in their discretion and upon
11 application in writing, may issue a special permit for
12 continuous limited operation, authorizing the applicant to
13 operate a tow truck that exceeds the weight limits provided
14 for in subsection (a) of Section 15-111, provided:

15 (1) no rear single axle of the tow truck exceeds
16 26,000 pounds;

17 (2) no rear tandem axle of the tow truck exceeds
18 50,000 pounds;

19 (2.1) no triple rear axle on a manufactured recovery
20 unit exceeds 60,000 pounds;

21 (3) neither the disabled vehicle nor the disabled
22 combination of vehicles exceed the weight restrictions
23 imposed by this Chapter 15, or the weight limits imposed
24 under a permit issued by the Department prior to hookup;

25 (4) the tow truck prior to hookup does not exceed the
26 weight restrictions imposed by this Chapter 15;

1 (5) during the tow operation the tow truck does not
2 violate any weight restriction sign;

3 (6) the tow truck is equipped with flashing, rotating,
4 or oscillating amber lights, visible for at least 500 feet
5 in all directions;

6 (7) the tow truck is specifically designed and
7 licensed as a tow truck;

8 (8) the tow truck has a gross vehicle weight rating of
9 sufficient capacity to safely handle the load;

10 (9) the tow truck is equipped with air brakes;

11 (10) the tow truck is capable of utilizing the
12 lighting and braking systems of the disabled vehicle or
13 combination of vehicles;

14 (11) the tow commences at the initial point of wreck
15 or disablement and terminates at a point where the repairs
16 are actually to occur;

17 (12) the permit issued to the tow truck is carried in
18 the tow truck and exhibited on demand by a police officer;
19 and

20 (13) the movement shall be valid only on State routes
21 approved by the Department.

22 (o) (Blank).

23 (p) In determining whether a load may be reasonably
24 dismantled or disassembled for the purpose of subsection (a),
25 the Department shall consider whether there is a significant
26 negative impact on the condition of the pavement and

1 structures along the proposed route, whether the load or
2 vehicle as proposed causes a safety hazard to the traveling
3 public, whether dismantling or disassembling the load promotes
4 or stifles economic development, and whether the proposed
5 route travels less than 5 miles. A load is not required to be
6 dismantled or disassembled for the purposes of subsection (a)
7 if the Secretary of the Department determines there will be no
8 significant negative impact to pavement or structures along
9 the proposed route, the proposed load or vehicle causes no
10 safety hazard to the traveling public, dismantling or
11 disassembling the load does not promote economic development,
12 and the proposed route travels less than 5 miles. The
13 Department may promulgate rules for the purpose of
14 establishing the divisibility of a load pursuant to subsection
15 (a). Any load determined by the Secretary to be nondivisible
16 shall otherwise comply with the existing size or weight
17 maximums specified in this Chapter.

18 (Source: P.A. 101-81, eff. 7-12-19; 101-547, eff. 1-1-20;
19 102-124, eff. 7-23-21.)

20 (625 ILCS 5/16-108)

21 Sec. 16-108. Claims of diplomatic immunity.

22 (a) This Section applies only to an individual that
23 displays to a police officer a driver's license issued by the
24 U.S. Department of State or that otherwise claims immunities
25 or privileges under Title 22, Chapter 6 of the United States

1 Code with respect to the individual's violation of Section 9-3
2 or Section 9-3.2 of the Criminal Code of 2012 or his or her
3 violation of a traffic regulation governing the movement of
4 vehicles under this Code or a similar provision of a local
5 ordinance.

6 (b) If a driver subject to this Section is stopped by a
7 police officer that has probable cause to believe that the
8 driver has committed a violation described in subsection (a)
9 of this Section, the police officer shall:

10 (1) as soon as practicable contact the U.S. Department
11 of State office in order to verify the driver's status and
12 immunity, if any;

13 (2) record all relevant information from any driver's
14 license or identification card, including a driver's
15 license or identification card issued by the U.S.
16 Department of State; and

17 (3) within 5 workdays after the date of the stop,
18 forward the following to the Secretary of State of
19 Illinois:

20 (A) a vehicle crash ~~accident~~ report, if the driver
21 was involved in a vehicle crash ~~accident~~;

22 (B) if a citation or charge was issued to the
23 driver, a copy of the citation or charge; and

24 (C) if a citation or charge was not issued to the
25 driver, a written report of the incident.

26 (c) Upon receiving material submitted under paragraph (3)

1 of subsection (b) of this Section, the Secretary of State
2 shall:

3 (1) file each vehicle crash ~~accident~~ report, citation
4 or charge, and incident report received;

5 (2) keep convenient records or make suitable notations
6 showing each:

7 (A) conviction;

8 (B) disposition of court supervision for any
9 violation of Section 11-501 of this Code; and

10 (C) vehicle crash ~~accident~~; and

11 (3) send a copy of each document and record described
12 in paragraph (2) of this subsection (c) to the Bureau of
13 Diplomatic Security, Office of Foreign Missions, of the
14 U.S. Department of State.

15 (d) This Section does not prohibit or limit the
16 application of any law to a criminal or motor vehicle
17 violation by an individual who has or claims immunities or
18 privileges under Title 22, Chapter 6 of the United States
19 Code.

20 (Source: P.A. 97-1150, eff. 1-25-13.)

21 (625 ILCS 5/18a-301) (from Ch. 95 1/2, par. 18a-301)

22 Sec. 18a-301. Commercial vehicle relocators - Security
23 requirements. Every commercial vehicle relocator shall file
24 with the Commission and have in effect an indemnity bond or
25 insurance policy or certificates of bonds or insurance in lieu

1 thereof which shall indemnify or insure the relocater for its
2 liability: (1) for injury to person, in an amount not less than
3 \$100,000 to any one person and \$300,000 for any one crash
4 ~~accident~~; (2) in case of damage to property other than a
5 vehicle being removed, in an amount not less than \$50,000 for
6 any one crash ~~accident~~; and (3) in case of damage to any
7 vehicle relocated or stored by the relocater, in an amount not
8 less than \$15,000 per vehicle. Any such bond or policy shall be
9 issued by a bonding or insurance firm authorized to do
10 business as such in the State of Illinois. All certificates or
11 indemnity bonds or insurance filed with the Commission must
12 show the coverage effective continuously until cancelled, and
13 the Commission may require such evidence of continued validity
14 as it deems necessary.

15 (Source: P.A. 85-1396.)

16 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

17 Sec. 18b-105. Rules and Regulations.

18 (a) The Department is authorized to make and adopt
19 reasonable rules and regulations and orders consistent with
20 law necessary to carry out the provisions of this Chapter.

21 (b) The following parts of Title 49 of the Code of Federal
22 Regulations, as now in effect, are hereby adopted by reference
23 as though they were set out in full:

24 Part 40 - Procedures For Transportation Workplace Drug and
25 Alcohol Testing Programs;

1 Part 380 - Special Training Requirements;

2 Part 382 - Controlled Substances and Alcohol Use and
3 Testing;

4 Part 383 - Commercial Driver's License Standards,
5 Requirements, and Penalties;

6 Part 385 - Safety Fitness Procedures;

7 Part 386 Appendix B - Penalty Schedule; Violations and
8 Maximum Monetary Penalties;

9 Part 387 - Minimum Levels of Financial Responsibility for
10 Motor Carriers;

11 Part 390 - Federal Motor Carrier Safety Regulations:
12 General;

13 Part 391 - Qualifications of Drivers;

14 Part 392 - Driving of Motor Vehicles;

15 Part 393 - Parts and Accessories Necessary for Safe
16 Operation;

17 Part 395 - Hours of Service of Drivers, except as provided
18 in Section 18b-106.1;

19 Part 396 - Inspection, Repair and Maintenance; and

20 Part 397 - Transportation of hazardous materials; Driving
21 and Parking Rules.

22 (b-5) Individuals who meet the requirements set forth in
23 the definition of "medical examiner" in Section 390.5 of Part
24 390 of Title 49 of the Code of Federal Regulations may act as
25 medical examiners in accordance with Part 391 of Title 49 of
26 the Code of Federal Regulations.

1 (c) The following parts and Sections of the Federal Motor
2 Carrier Safety Regulations shall not apply to those intrastate
3 carriers, drivers or vehicles subject to subsection (b).

4 (1) Section 393.93 of Part 393 for those vehicles
5 manufactured before June 30, 1972.

6 (2) Section 393.86 of Part 393 for those vehicles
7 registered as farm trucks under subsection (c) of Section
8 3-815 of this Code.

9 (3) (Blank).

10 (4) (Blank).

11 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

12 (6) All of Part 395 for all agricultural operations as
13 defined in Section 18b-101 of this Chapter at any time of
14 the year and all farm to market agricultural
15 transportation as defined in Chapter 1 and for grain
16 hauling operations within a radius of 200 air miles of the
17 normal work reporting location.

18 (7) Paragraphs (b)(3) (insulin dependent diabetic) and
19 (b)(10) (minimum visual acuity) of Section 391.41 of part
20 391, but only for any driver who immediately prior to July
21 29, 1986 was eligible and licensed to operate a motor
22 vehicle subject to this Section and was engaged in
23 operating such vehicles, and who was disqualified on July
24 29, 1986 by the adoption of Part 391 by reason of the
25 application of paragraphs (b)(3) and (b)(10) of Section
26 391.41 with respect to a physical condition existing at

1 that time unless such driver has a record of crashes
2 ~~accidents~~ which would indicate a lack of ability to
3 operate a motor vehicle in a safe manner.

4 (d) Intrastate carriers subject to the recording
5 provisions of Section 395.8 of Part 395 of the Federal Motor
6 Carrier Safety Regulations shall be exempt as established
7 under paragraph (1) of Section 395.8; provided, however, for
8 the purpose of this Code, drivers shall operate within a 150
9 air-mile radius of the normal work reporting location to
10 qualify for exempt status.

11 (e) Regulations adopted by the Department subsequent to
12 those adopted under subsection (b) hereof shall be identical
13 in substance to the Federal Motor Carrier Safety Regulations
14 of the United States Department of Transportation and adopted
15 in accordance with the procedures for rulemaking in Section
16 5-35 of the Illinois Administrative Procedure Act.

17 (Source: P.A. eff. 1-1-02; eff. 1-1-02; 94-519, eff. 8-10-05;
18 94-739, eff. 5-5-06.)

19 (625 ILCS 5/18b-108) (from Ch. 95 1/2, par. 18b-108)

20 Sec. 18b-108. Violations; criminal penalties.

21 (a) The provisions of Chapter 16 shall be applicable to
22 acts committed by a driver of a motor vehicle that violate this
23 Chapter or any rule or regulation issued under this Chapter.

24 (b) Except as provided in subsection (d), any driver who
25 willfully violates any provision of this Chapter or any rule

1 or regulation issued under this Chapter is guilty of a Class 4
2 felony. In addition to any other penalties prescribed by law,
3 the maximum fine for each offense is \$10,000. Such violation
4 shall be prosecuted by the State's Attorney or the Attorney
5 General.

6 (c) Except as provided in subsection (d), any person,
7 other than a driver, who willfully violates or causes another
8 to violate any provision of this Chapter or any rule or
9 regulation issued under this Chapter is guilty of a Class 3
10 felony. In addition to any other penalties prescribed by law,
11 the maximum fine for each offense is \$25,000. Such violation
12 shall be prosecuted at the request of the Department by the
13 State's Attorney or the Attorney General.

14 (d) Any driver who willfully violates Parts 392, 395,
15 Sections 391.11, 391.15, 391.41, or 391.45 of Part 391, or any
16 other Part of Title 49 of the Code of Federal Regulations, as
17 adopted by reference in Section 18b-105 of this Code, which
18 would place the driver or vehicle out of service, when the
19 violation results in a motor vehicle crash ~~accident~~ that
20 causes great bodily harm, permanent disability or
21 disfigurement, or death to another person, is guilty of a
22 Class 3 felony. Any person other than the driver who willfully
23 violates Parts 392, 395, Sections 391.11, 391.15, 391.41, or
24 391.45 of Part 391 or any other Part of Title 49 of the Code of
25 Federal Regulations, as adopted by reference in Section
26 18b-105 of this Code, which would place the driver or vehicle

1 out of service, when the violation results in a motor vehicle
2 crash ~~accident~~ that causes great bodily harm, permanent
3 disability or disfigurement, or death to another person, is
4 guilty of a Class 2 felony.

5 (Source: P.A. 99-291, eff. 1-1-16.)

6 (625 ILCS 5/18c-6502) (from Ch. 95 1/2, par. 18c-6502)

7 Sec. 18c-6502. Report and Investigation of Crashes
8 ~~Accidents~~. (1) Reports. Every motor carrier of passengers
9 shall report to the Commission, by the speediest means
10 possible, whether telephone, telegraph, or otherwise, every
11 crash ~~accident~~ involving its equipment which resulted in loss
12 of life to any person. In addition to reports required to be
13 filed with the Department of Transportation, under Article IV
14 of Chapter 11 and Chapter 7 of this Code, such carrier shall
15 file a written report with the Commission, in accordance with
16 regulations adopted hereunder, of any crash ~~accident~~ which
17 results in injury or loss of life to any employee, or damage to
18 the person or property of any member of the public. The
19 Commission and the Department of Transportation may adopt, by
20 reference, such state or federal reporting requirements as
21 will effectuate the purposes of this Section and promote
22 uniformity in bus crash ~~accident~~ reporting.

23 (2) Investigations. The Commission and the Department of
24 Transportation may investigate any bus crash ~~accident~~ reported
25 to it or of which it acquires knowledge independent of reports

1 made by motor carriers of passengers, and shall have the power
2 to enter such orders and adopt such regulations as will
3 minimize the risk of future crashes ~~accidents~~.

4 (Source: P.A. 84-1246.)

5 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

6 Sec. 18c-7402. Safety requirements for railroad
7 operations.

8 (1) Obstruction of crossings.

9 (a) Obstruction of emergency vehicles. Every railroad
10 shall be operated in such a manner as to minimize
11 obstruction of emergency vehicles at crossings. Where such
12 obstruction occurs and the train crew is aware of the
13 obstruction, the train crew shall immediately take any
14 action, consistent with safe operating procedure,
15 necessary to remove the obstruction. In the Chicago and
16 St. Louis switching districts, every railroad dispatcher
17 or other person responsible for the movement of railroad
18 equipment in a specific area who receives notification
19 that railroad equipment is obstructing the movement of an
20 emergency vehicle at any crossing within such area shall
21 immediately notify the train crew through use of existing
22 communication facilities. Upon notification, the train
23 crew shall take immediate action in accordance with this
24 paragraph.

25 (b) Obstruction of highway at grade crossing

1 prohibited. It is unlawful for a rail carrier to permit
2 any train, railroad car or engine to obstruct public
3 travel at a railroad-highway grade crossing for a period
4 in excess of 10 minutes, except where such train or
5 railroad car is continuously moving or cannot be moved by
6 reason of circumstances over which the rail carrier has no
7 reasonable control.

8 In a county with a population of greater than
9 1,000,000, as determined by the most recent federal
10 census, during the hours of 7:00 a.m. through 9:00 a.m.
11 and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail
12 carrier to permit any single train or railroad car to
13 obstruct public travel at a railroad-highway grade
14 crossing in excess of a total of 10 minutes during a 30
15 minute period, except where the train or railroad car
16 cannot be moved by reason or circumstances over which the
17 rail carrier has no reasonable control. Under no
18 circumstances will a moving train be stopped for the
19 purposes of issuing a citation related to this Section.

20 However, no employee acting under the rules or orders
21 of the rail carrier or its supervisory personnel may be
22 prosecuted for a violation of this subsection (b).

23 (c) Punishment for obstruction of grade crossing. Any
24 rail carrier violating paragraph (b) of this subsection
25 shall be guilty of a petty offense and fined not less than
26 \$200 nor more than \$500 if the duration of the obstruction

1 is in excess of 10 minutes but no longer than 15 minutes.
2 If the duration of the obstruction exceeds 15 minutes the
3 violation shall be a business offense and the following
4 fines shall be imposed: if the duration of the obstruction
5 is in excess of 15 minutes but no longer than 20 minutes,
6 the fine shall be \$500; if the duration of the obstruction
7 is in excess of 20 minutes but no longer than 25 minutes,
8 the fine shall be \$700; if the duration of the obstruction
9 is in excess of 25 minutes, but no longer than 30 minutes,
10 the fine shall be \$900; if the duration of the obstruction
11 is in excess of 30 minutes but no longer than 35 minutes,
12 the fine shall be \$1,000; if the duration of the
13 obstruction is in excess of 35 minutes, the fine shall be
14 \$1,000 plus an additional \$500 for each 5 minutes of
15 obstruction in excess of 25 minutes of obstruction.

16 (2) Other operational requirements.

17 (a) Bell and whistle-crossings. Every rail carrier
18 shall cause a bell, and a whistle or horn to be placed and
19 kept on each locomotive, and shall cause the same to be
20 rung or sounded by the engineer or fireman, at the
21 distance of at least 1,320 feet, from the place where the
22 railroad crosses or intersects any public highway, and
23 shall be kept ringing or sounding until the highway is
24 reached; provided that at crossings where the Commission
25 shall by order direct, only after a hearing has been held
26 to determine the public is reasonably and sufficiently

1 protected, the rail carrier may be excused from giving
2 warning provided by this paragraph.

3 (a-5) The requirements of paragraph (a) of this
4 subsection (2) regarding ringing a bell and sounding a
5 whistle or horn do not apply at a railroad crossing that
6 has a permanently installed automated audible warning
7 device authorized by the Commission under Section
8 18c-7402.1 that sounds automatically when an approaching
9 train is at least 1,320 feet from the crossing and that
10 keeps sounding until the lead locomotive has crossed the
11 highway. The engineer or fireman may ring the bell or
12 sound the whistle or horn at a railroad crossing that has a
13 permanently installed audible warning device.

14 (b) Speed limits. Each rail carrier shall operate its
15 trains in compliance with speed limits set by the
16 Commission. The Commission may set train speed limits only
17 where such limits are necessitated by extraordinary
18 circumstances affecting the public safety, and shall
19 maintain such train speed limits in effect only for such
20 time as the extraordinary circumstances prevail.

21 The Commission and the Department of Transportation
22 shall conduct a study of the relation between train speeds
23 and railroad-highway grade crossing safety. The Commission
24 shall report the findings of the study to the General
25 Assembly no later than January 5, 1997.

26 (c) Special speed limit; pilot project. The Commission

1 and the Board of the Commuter Rail Division of the
2 Regional Transportation Authority shall conduct a pilot
3 project in the Village of Fox River Grove, the site of the
4 fatal school bus crash ~~accident~~ at a railroad crossing on
5 October 25, 1995, in order to improve railroad crossing
6 safety. For this project, the Commission is directed to
7 set the maximum train speed limit for Regional
8 Transportation Authority trains at 50 miles per hour at
9 intersections on that portion of the intrastate rail line
10 located in the Village of Fox River Grove. If the Regional
11 Transportation Authority deliberately fails to comply with
12 this maximum speed limit, then any entity, governmental or
13 otherwise, that provides capital or operational funds to
14 the Regional Transportation Authority shall appropriately
15 reduce or eliminate that funding. The Commission shall
16 report to the Governor and the General Assembly on the
17 results of this pilot project in January 1999, January
18 2000, and January 2001. The Commission shall also submit a
19 final report on the pilot project to the Governor and the
20 General Assembly in January 2001. The provisions of this
21 subsection (c), other than this sentence, are inoperative
22 after February 1, 2001.

23 (d) Freight train crew size. No rail carrier shall
24 operate or cause to operate a train or light engine used in
25 connection with the movement of freight unless it has an
26 operating crew consisting of at least 2 individuals. The

1 minimum freight train crew size indicated in this
2 subsection (d) shall remain in effect until a federal law
3 or rule encompassing the subject matter has been adopted.
4 The Commission, with respect to freight train crew member
5 size under this subsection (d), has the power to conduct
6 evidentiary hearings, make findings, and issue and enforce
7 orders, including sanctions under Section 18c-1704 of this
8 Chapter. As used in this subsection (d), "train or light
9 engine" does not include trains operated by a hostler
10 service or utility employees.

11 (3) Report and investigation of rail accidents.

12 (a) Reports. Every rail carrier shall report to the
13 Commission, by the speediest means possible, whether
14 telephone, telegraph, or otherwise, every accident
15 involving its equipment, track, or other property which
16 resulted in loss of life to any person. In addition, such
17 carriers shall file a written report with the Commission.
18 Reports submitted under this paragraph shall be strictly
19 confidential, shall be specifically prohibited from
20 disclosure, and shall not be admissible in any
21 administrative or judicial proceeding relating to the
22 accidents reported.

23 (b) Investigations. The Commission may investigate all
24 railroad accidents reported to it or of which it acquires
25 knowledge independent of reports made by rail carriers,
26 and shall have the power, consistent with standards and

1 procedures established under the Federal Railroad Safety
2 Act, as amended, to enter such temporary orders as will
3 minimize the risk of future accidents pending notice,
4 hearing, and final action by the Commission.

5 (Source: P.A. 100-201, eff. 8-18-17; 101-294, eff. 1-1-20.)

6 (625 ILCS 5/20-202) (from Ch. 95 1/2, par. 20-202)

7 Sec. 20-202. Act not retroactive. This Act shall not have
8 a retroactive effect and shall not apply to any traffic crash
9 ~~accident~~, to a cause of action arising out of a traffic crash
10 ~~accident~~ or judgment arising therefrom, or to any violation of
11 the laws of this State, occurring prior to the effective date
12 of this Act.

13 (Source: P.A. 76-1586.)

14 (625 ILCS 5/20-205 new)

15 Sec. 20-205. Use of current documents. A State agency may
16 exhaust any copies of a form or document using "accident", in
17 relation to automobile accidents, motor vehicle accidents, and
18 traffic accidents before printing copies of a new version of
19 the form or document that uses "crash" pursuant to the changes
20 made by this amendatory Act of the 102nd General Assembly.

21 Section 110. The Child Passenger Protection Act is amended
22 by changing Section 2 as follows:

1 (625 ILCS 25/2) (from Ch. 95 1/2, par. 1102)

2 Sec. 2. Legislative Finding - Purpose. The General
3 Assembly finds that a substantial number of passengers under
4 the age of 8 years riding in motor vehicles, which are most
5 frequently operated by a parent, annually die or sustain
6 serious physical injury as a direct result of not being placed
7 in an appropriate child passenger restraint system. Motor
8 vehicle crashes are the leading cause of death for children of
9 every age from 4 to 14 years old. The General Assembly further
10 finds that the safety of the motoring public is seriously
11 threatened as indicated by the significant number of traffic
12 crashes ~~accidents~~ annually caused, directly or indirectly, by
13 driver distraction or other impairment of driving ability
14 induced by the movement or actions of unrestrained passengers
15 under the age of 8 years.

16 It is the purpose of this Act to further protect the
17 health, safety and welfare of motor vehicle passengers under
18 the age of 8 years and the motoring public through the proper
19 utilization of approved child restraint systems.

20 (Source: P.A. 93-100, eff. 1-1-04.)

21 Section 115. The Renter's Financial Responsibility and
22 Protection Act is amended by changing Section 5 as follows:

23 (625 ILCS 27/5)

24 Sec. 5. Legislative findings. The General Assembly finds

1 and declares the following:

2 (a) Amendments enacted in 1988 which limit negligent
3 drivers' liability for damage to vehicles rented from motor
4 vehicle rental companies to \$200 have had the unintended,
5 anti-consumer effect of unfairly transferring most of the
6 costs of liability for renters' negligence to car rental
7 companies.

8 (b) This transfer of liability from negligent renters has
9 forced Illinois rental companies and dealers to experience
10 significant financial losses in the form of actual costs to
11 repair, service, and replace vehicles and loss of economic
12 opportunity by being deprived of the rental use of damaged or
13 destroyed rental cars; as a result, many Illinois vehicle
14 rental companies in Illinois have been forced to close because
15 of the current amendments, and high risk to capital threatens
16 to close existing companies; economic losses have also
17 resulted in Illinois renters paying daily and weekly vehicle
18 rental rates almost two-fold higher than renters in other
19 states, including those states surrounding Illinois.

20 (c) As the vast majority of renters in Illinois are
21 non-Illinois residents, the increased damage costs of rental
22 car companies and dealers are absorbed and paid by all
23 Illinois consumers and business.

24 (d) The current law also threatens the public safety of
25 all Illinois citizens as it has contributed to an almost
26 three-fold increase in driver crash ~~accident~~ and fatality

1 rates in Illinois.

2 (Source: P.A. 90-113, eff. 7-14-97.)

3 Section 120. The Transportation Network Providers Act is
4 amended by changing Section 10 as follows:

5 (625 ILCS 57/10)

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 10. Insurance.

8 (a) Transportation network companies and participating TNC
9 drivers shall comply with the automobile liability insurance
10 requirements of this Section as required.

11 (b) The following automobile liability insurance
12 requirements shall apply from the moment a participating TNC
13 driver logs on to the transportation network company's digital
14 network or software application until the TNC driver accepts a
15 request to transport a passenger, and from the moment the TNC
16 driver completes the transaction on the digital network or
17 software application or the ride is complete, whichever is
18 later, until the TNC driver either accepts another ride
19 request on the digital network or software application or logs
20 off the digital network or software application:

21 (1) Automobile liability insurance shall be in the
22 amount of at least \$50,000 for death and personal injury
23 per person, \$100,000 for death and personal injury per
24 incident, and \$25,000 for property damage.

1 (2) Contingent automobile liability insurance in the
2 amounts required in paragraph (1) of this subsection (b)
3 shall be maintained by a transportation network company
4 and provide coverage in the event a participating TNC
5 driver's own automobile liability policy excludes coverage
6 according to its policy terms or does not provide at least
7 the limits of coverage required in paragraph (1) of this
8 subsection (b).

9 (c) The following automobile liability insurance
10 requirements shall apply from the moment a TNC driver accepts
11 a ride request on the transportation network company's digital
12 network or software application until the TNC driver completes
13 the transaction on the digital network or software application
14 or until the ride is complete, whichever is later:

15 (1) Automobile liability insurance shall be primary
16 and in the amount of \$1,000,000 for death, personal
17 injury, and property damage. The requirements for the
18 coverage required by this paragraph (1) may be satisfied
19 by any of the following:

20 (A) automobile liability insurance maintained by a
21 participating TNC driver;

22 (B) automobile liability company insurance
23 maintained by a transportation network company; or

24 (C) any combination of subparagraphs (A) and (B).

25 (2) Insurance coverage provided under this subsection
26 (c) shall also provide for uninsured motorist coverage and

1 underinsured motorist coverage in the amount of \$50,000
2 from the moment a passenger enters the vehicle of a
3 participating TNC driver until the passenger exits the
4 vehicle.

5 (3) The insurer, in the case of insurance coverage
6 provided under this subsection (c), shall have the duty to
7 defend and indemnify the insured.

8 (4) Coverage under an automobile liability insurance
9 policy required under this subsection (c) shall not be
10 dependent on a personal automobile insurance policy first
11 denying a claim nor shall a personal automobile insurance
12 policy be required to first deny a claim.

13 (d) In every instance when automobile liability insurance
14 maintained by a participating TNC driver to fulfill the
15 insurance obligations of this Section has lapsed or ceased to
16 exist, the transportation network company shall provide the
17 coverage required by this Section beginning with the first
18 dollar of a claim.

19 (e) This Section shall not limit the liability of a
20 transportation network company arising out of an automobile
21 crash ~~accident~~ involving a participating TNC driver in any
22 action for damages against a transportation network company
23 for an amount above the required insurance coverage.

24 (f) The transportation network company shall disclose in
25 writing to TNC drivers, as part of its agreement with those TNC
26 drivers, the following:

1 (1) the insurance coverage and limits of liability
2 that the transportation network company provides while the
3 TNC driver uses a vehicle in connection with a
4 transportation network company's digital network or
5 software application; and

6 (2) that the TNC driver's own insurance policy may not
7 provide coverage while the TNC driver uses a vehicle in
8 connection with a transportation network company digital
9 network depending on its terms.

10 (g) An insurance policy required by this Section may be
11 placed with an admitted Illinois insurer, or with an
12 authorized surplus line insurer under Section 445 of the
13 Illinois Insurance Code; and is not subject to any restriction
14 or limitation on the issuance of a policy contained in Section
15 445a of the Illinois Insurance Code.

16 (h) Any insurance policy required by this Section shall
17 satisfy the financial responsibility requirement for a motor
18 vehicle under Sections 7-203 and 7-601 of the Illinois Vehicle
19 Code.

20 (i) If a transportation network company's insurer makes a
21 payment for a claim covered under comprehensive coverage or
22 collision coverage, the transportation network company shall
23 cause its insurer to issue the payment directly to the
24 business repairing the vehicle, or jointly to the owner of the
25 vehicle and the primary lienholder on the covered vehicle.

26 (Source: Reenacted by P.A. 101-660, eff. 4-2-21.)

1 Section 125. The Criminal Code of 2012 is amended by
2 changing Sections 3-5, 12C-60, and 36-1 as follows:

3 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

4 Sec. 3-5. General limitations.

5 (a) A prosecution for: (1) first degree murder, attempt to
6 commit first degree murder, second degree murder, involuntary
7 manslaughter, reckless homicide, a violation of subparagraph
8 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
9 Illinois Vehicle Code for the offense of aggravated driving
10 under the influence of alcohol, other drug or drugs, or
11 intoxicating compound or compounds, or any combination thereof
12 when the violation was a proximate cause of a death, leaving
13 the scene of a motor vehicle crash ~~accident~~ involving death or
14 personal injuries under Section 11-401 of the Illinois Vehicle
15 Code, failing to give information and render aid under Section
16 11-403 of the Illinois Vehicle Code, concealment of homicidal
17 death, treason, arson, residential arson, aggravated arson,
18 forgery, child pornography under paragraph (1) of subsection
19 (a) of Section 11-20.1, or aggravated child pornography under
20 paragraph (1) of subsection (a) of Section 11-20.1B, or (2)
21 any offense involving sexual conduct or sexual penetration, as
22 defined by Section 11-0.1 of this Code may be commenced at any
23 time.

24 (a-5) A prosecution for theft of property exceeding

1 \$100,000 in value under Section 16-1, identity theft under
2 subsection (a) of Section 16-30, aggravated identity theft
3 under subsection (b) of Section 16-30, financial exploitation
4 of an elderly person or a person with a disability under
5 Section 17-56; theft by deception of a victim 60 years of age
6 or older or a person with a disability under Section 16-1; or
7 any offense set forth in Article 16H or Section 17-10.6 may be
8 commenced within 7 years of the last act committed in
9 furtherance of the crime.

10 (b) Unless the statute describing the offense provides
11 otherwise, or the period of limitation is extended by Section
12 3-6, a prosecution for any offense not designated in
13 subsection (a) or (a-5) must be commenced within 3 years after
14 the commission of the offense if it is a felony, or within one
15 year and 6 months after its commission if it is a misdemeanor.

16 (Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22.)

17 (720 ILCS 5/12C-60)

18 Sec. 12C-60. Curfew.

19 (a) Curfew offenses.

20 (1) A minor commits a curfew offense when he or she
21 remains in any public place or on the premises of any
22 establishment during curfew hours.

23 (2) A parent or guardian of a minor or other person in
24 custody or control of a minor commits a curfew offense
25 when he or she knowingly permits the minor to remain in any

1 public place or on the premises of any establishment
2 during curfew hours.

3 (b) Curfew defenses. It is a defense to prosecution under
4 subsection (a) that the minor was:

5 (1) accompanied by the minor's parent or guardian or
6 other person in custody or control of the minor;

7 (2) on an errand at the direction of the minor's
8 parent or guardian, without any detour or stop;

9 (3) in a motor vehicle involved in interstate travel;

10 (4) engaged in an employment activity or going to or
11 returning home from an employment activity, without any
12 detour or stop;

13 (5) involved in an emergency;

14 (6) on the sidewalk abutting the minor's residence or
15 abutting the residence of a next-door neighbor if the
16 neighbor did not complain to the police department about
17 the minor's presence;

18 (7) attending an official school, religious, or other
19 recreational activity supervised by adults and sponsored
20 by a government or governmental agency, a civic
21 organization, or another similar entity that takes
22 responsibility for the minor, or going to or returning
23 home from, without any detour or stop, an official school,
24 religious, or other recreational activity supervised by
25 adults and sponsored by a government or governmental
26 agency, a civic organization, or another similar entity

1 that takes responsibility for the minor;

2 (8) exercising First Amendment rights protected by the
3 United States Constitution, such as the free exercise of
4 religion, freedom of speech, and the right of assembly; or

5 (9) married or had been married or is an emancipated
6 minor under the Emancipation of Minors Act.

7 (c) Enforcement. Before taking any enforcement action
8 under this Section, a law enforcement officer shall ask the
9 apparent offender's age and reason for being in the public
10 place. The officer shall not issue a citation or make an arrest
11 under this Section unless the officer reasonably believes that
12 an offense has occurred and that, based on any response and
13 other circumstances, no defense in subsection (b) is present.

14 (d) Definitions. In this Section:

15 (1) "Curfew hours" means:

16 (A) Between 12:01 a.m. and 6:00 a.m. on Saturday;

17 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday;

18 and

19 (C) Between 11:00 p.m. on Sunday to Thursday,
20 inclusive, and 6:00 a.m. on the following day.

21 (2) "Emergency" means an unforeseen combination of
22 circumstances or the resulting state that calls for
23 immediate action. The term includes, but is not limited
24 to, a fire, a natural disaster, an automobile crash
25 ~~accident~~, or any situation requiring immediate action to
26 prevent serious bodily injury or loss of life.

1 (3) "Establishment" means any privately-owned place of
2 business operated for a profit to which the public is
3 invited, including, but not limited to, any place of
4 amusement or entertainment.

5 (4) "Guardian" means:

6 (A) a person who, under court order, is the
7 guardian of the person of a minor; or

8 (B) a public or private agency with whom a minor
9 has been placed by a court.

10 (5) "Minor" means any person under 17 years of age.

11 (6) "Parent" means a person who is:

12 (A) a natural parent, adoptive parent, or
13 step-parent of another person; or

14 (B) at least 18 years of age and authorized by a
15 parent or guardian to have the care and custody of a
16 minor.

17 (7) "Public place" means any place to which the public
18 or a substantial group of the public has access and
19 includes, but is not limited to, streets, highways, and
20 the common areas of schools, hospitals, apartment houses,
21 office buildings, transport facilities, and shops.

22 (8) "Remain" means to:

23 (A) linger or stay; or

24 (B) fail to leave premises when requested to do so
25 by a police officer or the owner, operator, or other
26 person in control of the premises.

1 (9) "Serious bodily injury" means bodily injury that
2 creates a substantial risk of death or that causes death,
3 serious permanent disfigurement, or protracted loss or
4 impairment of the function of any bodily member or organ.

5 (e) Sentence. A violation of this Section is a petty
6 offense with a fine of not less than \$10 nor more than \$500,
7 except that neither a person who has been made a ward of the
8 court under the Juvenile Court Act of 1987, nor that person's
9 legal guardian, shall be subject to any fine. In addition to or
10 instead of the fine imposed by this Section, the court may
11 order a parent, legal guardian, or other person convicted of a
12 violation of subsection (a) of this Section to perform
13 community service as determined by the court, except that the
14 legal guardian of a person who has been made a ward of the
15 court under the Juvenile Court Act of 1987 may not be ordered
16 to perform community service. The dates and times established
17 for the performance of community service by the parent, legal
18 guardian, or other person convicted of a violation of
19 subsection (a) of this Section shall not conflict with the
20 dates and times that the person is employed in his or her
21 regular occupation.

22 (f) County, municipal and other local boards and bodies
23 authorized to adopt local police laws and regulations under
24 the constitution and laws of this State may exercise
25 legislative or regulatory authority over this subject matter
26 by ordinance or resolution incorporating the substance of this

1 Section or increasing the requirements thereof or otherwise
2 not in conflict with this Section.

3 (Source: P.A. 97-1109, eff. 1-1-13.)

4 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

5 Sec. 36-1. Property subject to forfeiture.

6 (a) Any vessel or watercraft, vehicle, or aircraft is
7 subject to forfeiture under this Article if the vessel or
8 watercraft, vehicle, or aircraft is used with the knowledge
9 and consent of the owner in the commission of or in the attempt
10 to commit as defined in Section 8-4 of this Code:

11 (1) an offense prohibited by Section 9-1 (first degree
12 murder), Section 9-3 (involuntary manslaughter and
13 reckless homicide), Section 10-2 (aggravated kidnaping),
14 Section 11-1.20 (criminal sexual assault), Section 11-1.30
15 (aggravated criminal sexual assault), Section 11-1.40
16 (predatory criminal sexual assault of a child), subsection
17 (a) of Section 11-1.50 (criminal sexual abuse), subsection
18 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
19 sexual abuse), Section 11-6 (indecent solicitation of a
20 child), Section 11-14.4 (promoting juvenile prostitution
21 except for keeping a place of juvenile prostitution),
22 Section 11-20.1 (child pornography), paragraph (a)(1),
23 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),
24 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05
25 (aggravated battery), Section 12-7.3 (stalking), Section

1 12-7.4 (aggravated stalking), Section 16-1 (theft if the
2 theft is of precious metal or of scrap metal), subdivision
3 (f) (2) or (f) (3) of Section 16-25 (retail theft), Section
4 18-2 (armed robbery), Section 19-1 (burglary), Section
5 19-2 (possession of burglary tools), Section 19-3
6 (residential burglary), Section 20-1 (arson; residential
7 arson; place of worship arson), Section 20-2 (possession
8 of explosives or explosive or incendiary devices),
9 subdivision (a) (6) or (a) (7) of Section 24-1 (unlawful use
10 of weapons), Section 24-1.2 (aggravated discharge of a
11 firearm), Section 24-1.2-5 (aggravated discharge of a
12 machine gun or a firearm equipped with a device designed
13 or used for silencing the report of a firearm), Section
14 24-1.5 (reckless discharge of a firearm), Section 28-1
15 (gambling), or Section 29D-15.2 (possession of a deadly
16 substance) of this Code;

17 (2) an offense prohibited by Section 21, 22, 23, 24 or
18 26 of the Cigarette Tax Act if the vessel or watercraft,
19 vehicle, or aircraft contains more than 10 cartons of such
20 cigarettes;

21 (3) an offense prohibited by Section 28, 29, or 30 of
22 the Cigarette Use Tax Act if the vessel or watercraft,
23 vehicle, or aircraft contains more than 10 cartons of such
24 cigarettes;

25 (4) an offense prohibited by Section 44 of the
26 Environmental Protection Act;

1 (5) an offense prohibited by Section 11-204.1 of the
2 Illinois Vehicle Code (aggravated fleeing or attempting to
3 elude a peace officer);

4 (6) an offense prohibited by Section 11-501 of the
5 Illinois Vehicle Code (driving while under the influence
6 of alcohol or other drug or drugs, intoxicating compound
7 or compounds or any combination thereof) or a similar
8 provision of a local ordinance, and:

9 (A) during a period in which his or her driving
10 privileges are revoked or suspended if the revocation
11 or suspension was for:

12 (i) Section 11-501 (driving under the
13 influence of alcohol or other drug or drugs,
14 intoxicating compound or compounds or any
15 combination thereof),

16 (ii) Section 11-501.1 (statutory summary
17 suspension or revocation),

18 (iii) paragraph (b) of Section 11-401 (motor
19 vehicle crashes ~~accidents~~ involving death or
20 personal injuries), or

21 (iv) reckless homicide as defined in Section
22 9-3 of this Code;

23 (B) has been previously convicted of reckless
24 homicide or a similar provision of a law of another
25 state relating to reckless homicide in which the
26 person was determined to have been under the influence

1 of alcohol, other drug or drugs, or intoxicating
2 compound or compounds as an element of the offense or
3 the person has previously been convicted of committing
4 a violation of driving under the influence of alcohol
5 or other drug or drugs, intoxicating compound or
6 compounds or any combination thereof and was involved
7 in a motor vehicle crash ~~accident~~ that resulted in
8 death, great bodily harm, or permanent disability or
9 disfigurement to another, when the violation was a
10 proximate cause of the death or injuries;

11 (C) the person committed a violation of driving
12 under the influence of alcohol or other drug or drugs,
13 intoxicating compound or compounds or any combination
14 thereof under Section 11-501 of the Illinois Vehicle
15 Code or a similar provision for the third or
16 subsequent time;

17 (D) he or she did not possess a valid driver's
18 license or permit or a valid restricted driving permit
19 or a valid judicial driving permit or a valid
20 monitoring device driving permit; or

21 (E) he or she knew or should have known that the
22 vehicle he or she was driving was not covered by a
23 liability insurance policy;

24 (7) an offense described in subsection (g) of Section
25 6-303 of the Illinois Vehicle Code;

26 (8) an offense described in subsection (e) of Section

1 6-101 of the Illinois Vehicle Code; or

2 (9) (A) operating a watercraft under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds, or combination thereof under Section 5-16 of
5 the Boat Registration and Safety Act during a period in
6 which his or her privileges to operate a watercraft are
7 revoked or suspended and the revocation or suspension was
8 for operating a watercraft under the influence of alcohol,
9 other drug or drugs, intoxicating compound or compounds,
10 or combination thereof; (B) operating a watercraft under
11 the influence of alcohol, other drug or drugs,
12 intoxicating compound or compounds, or combination thereof
13 and has been previously convicted of reckless homicide or
14 a similar provision of a law in another state relating to
15 reckless homicide in which the person was determined to
16 have been under the influence of alcohol, other drug or
17 drugs, intoxicating compound or compounds, or combination
18 thereof as an element of the offense or the person has
19 previously been convicted of committing a violation of
20 operating a watercraft under the influence of alcohol,
21 other drug or drugs, intoxicating compound or compounds,
22 or combination thereof and was involved in an accident
23 that resulted in death, great bodily harm, or permanent
24 disability or disfigurement to another, when the violation
25 was a proximate cause of the death or injuries; or (C) the
26 person committed a violation of operating a watercraft

1 under the influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds, or combination thereof
3 under Section 5-16 of the Boat Registration and Safety Act
4 or a similar provision for the third or subsequent time.

5 (b) In addition, any mobile or portable equipment used in
6 the commission of an act which is in violation of Section 7g of
7 the Metropolitan Water Reclamation District Act shall be
8 subject to seizure and forfeiture under the same procedures
9 provided in this Article for the seizure and forfeiture of
10 vessels or watercraft, vehicles, and aircraft, and any such
11 equipment shall be deemed a vessel or watercraft, vehicle, or
12 aircraft for purposes of this Article.

13 (c) In addition, when a person discharges a firearm at
14 another individual from a vehicle with the knowledge and
15 consent of the owner of the vehicle and with the intent to
16 cause death or great bodily harm to that individual and as a
17 result causes death or great bodily harm to that individual,
18 the vehicle shall be subject to seizure and forfeiture under
19 the same procedures provided in this Article for the seizure
20 and forfeiture of vehicles used in violations of clauses (1),
21 (2), (3), or (4) of subsection (a) of this Section.

22 (d) If the spouse of the owner of a vehicle seized for an
23 offense described in subsection (g) of Section 6-303 of the
24 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
25 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
26 11-501 of the Illinois Vehicle Code, or Section 9-3 of this

1 Code makes a showing that the seized vehicle is the only source
2 of transportation and it is determined that the financial
3 hardship to the family as a result of the seizure outweighs the
4 benefit to the State from the seizure, the vehicle may be
5 forfeited to the spouse or family member and the title to the
6 vehicle shall be transferred to the spouse or family member
7 who is properly licensed and who requires the use of the
8 vehicle for employment or family transportation purposes. A
9 written declaration of forfeiture of a vehicle under this
10 Section shall be sufficient cause for the title to be
11 transferred to the spouse or family member. The provisions of
12 this paragraph shall apply only to one forfeiture per vehicle.
13 If the vehicle is the subject of a subsequent forfeiture
14 proceeding by virtue of a subsequent conviction of either
15 spouse or the family member, the spouse or family member to
16 whom the vehicle was forfeited under the first forfeiture
17 proceeding may not utilize the provisions of this paragraph in
18 another forfeiture proceeding. If the owner of the vehicle
19 seized owns more than one vehicle, the procedure set out in
20 this paragraph may be used for only one vehicle.

21 (e) In addition, property subject to forfeiture under
22 Section 40 of the Illinois Streetgang Terrorism Omnibus
23 Prevention Act may be seized and forfeited under this Article.

24 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

25 Section 130. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 102-7.1 as follows:

2 (725 ILCS 5/102-7.1)

3 Sec. 102-7.1. "Category A offense". "Category A offense"
4 means a Class 1 felony, Class 2 felony, Class X felony, first
5 degree murder, a violation of Section 11-204 of the Illinois
6 Vehicle Code, a second or subsequent violation of Section
7 11-501 of the Illinois Vehicle Code, a violation of subsection
8 (d) of Section 11-501 of the Illinois Vehicle Code, a
9 violation of Section 11-401 of the Illinois Vehicle Code if
10 the crash ~~accident~~ results in injury and the person failed to
11 report the crash ~~accident~~ within 30 minutes, a violation of
12 Section 9-3, 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1,
13 11-23.5, 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a,
14 12-5, 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1,
15 24-1.5, 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of
16 2012, a second or subsequent violation of 12-3.2 or 12-3.4 of
17 the Criminal Code of 2012, a violation of paragraph (5) or (6)
18 of subsection (b) of Section 10-9 of the Criminal Code of 2012,
19 a violation of subsection (b) or (c) or paragraph (1) or (2) of
20 subsection (a) of Section 11-1.50 of the Criminal Code of
21 2012, a violation of Section 12-7 of the Criminal Code of 2012
22 if the defendant inflicts bodily harm on the victim to obtain a
23 confession, statement, or information, a violation of Section
24 12-7.5 of the Criminal Code of 2012 if the action results in
25 bodily harm, a violation of paragraph (3) of subsection (b) of

1 Section 17-2 of the Criminal Code of 2012, a violation of
2 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of
3 2012, a violation of paragraph (6) of subsection (a) of
4 Section 24-1 of the Criminal Code of 2012, a first violation of
5 Section 24-1.6 of the Criminal Code of 2012 by a person 18
6 years of age or older where the factors listed in both items
7 (A) and (C) or both items (A-5) and (C) of paragraph (3) of
8 subsection (a) of Section 24-1.6 of the Criminal Code of 2012
9 are present, a Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act, or a violation of Section 10 of the
12 Sex Offender Registration Act.

13 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

14 Section 135. The Rights of Crime Victims and Witnesses Act
15 is amended by changing Section 3 as follows:

16 (725 ILCS 120/3) (from Ch. 38, par. 1403)

17 Sec. 3. The terms used in this Act shall have the following
18 meanings:

19 (a) "Crime victim" or "victim" means: (1) any natural
20 person determined by the prosecutor or the court to have
21 suffered direct physical or psychological harm as a result of
22 a violent crime perpetrated or attempted against that person
23 or direct physical or psychological harm as a result of (i) a
24 violation of Section 11-501 of the Illinois Vehicle Code or

1 similar provision of a local ordinance or (ii) a violation of
2 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
3 of 2012; (2) in the case of a crime victim who is under 18
4 years of age or an adult victim who is incompetent or
5 incapacitated, both parents, legal guardians, foster parents,
6 or a single adult representative; (3) in the case of an adult
7 deceased victim, 2 representatives who may be the spouse,
8 parent, child or sibling of the victim, or the representative
9 of the victim's estate; and (4) an immediate family member of a
10 victim under clause (1) of this paragraph (a) chosen by the
11 victim. If the victim is 18 years of age or over, the victim
12 may choose any person to be the victim's representative. In no
13 event shall the defendant or any person who aided and abetted
14 in the commission of the crime be considered a victim, a crime
15 victim, or a representative of the victim.

16 A board, agency, or other governmental entity making
17 decisions regarding an offender's release, sentence reduction,
18 or clemency can determine additional persons are victims for
19 the purpose of its proceedings.

20 (a-3) "Advocate" means a person whose communications with
21 the victim are privileged under Section 8-802.1 or 8-802.2 of
22 the Code of Civil Procedure, or Section 227 of the Illinois
23 Domestic Violence Act of 1986.

24 (a-5) "Confer" means to consult together, share
25 information, compare opinions and carry on a discussion or
26 deliberation.

1 (a-7) "Sentence" includes, but is not limited to, the
2 imposition of sentence, a request for a reduction in sentence,
3 parole, mandatory supervised release, aftercare release, early
4 release, inpatient treatment, outpatient treatment,
5 conditional release after a finding that the defendant is not
6 guilty by reason of insanity, clemency, or a proposal that
7 would reduce the defendant's sentence or result in the
8 defendant's release. "Early release" refers to a discretionary
9 release.

10 (a-9) "Sentencing" includes, but is not limited to, the
11 imposition of sentence and a request for a reduction in
12 sentence, parole, mandatory supervised release, aftercare
13 release, early release, consideration of inpatient treatment
14 or outpatient treatment, or conditional release after a
15 finding that the defendant is not guilty by reason of
16 insanity.

17 (a-10) "Status hearing" means a hearing designed to
18 provide information to the court, at which no motion of a
19 substantive nature and no constitutional or statutory right of
20 a crime victim is implicated or at issue.

21 (b) "Witness" means: any person who personally observed
22 the commission of a crime and who will testify on behalf of the
23 State of Illinois; or a person who will be called by the
24 prosecution to give testimony establishing a necessary nexus
25 between the offender and the violent crime.

26 (c) "Violent crime" means: (1) any felony in which force

1 or threat of force was used against the victim; (2) any offense
2 involving sexual exploitation, sexual conduct, or sexual
3 penetration; (3) a violation of Section 11-20.1, 11-20.1B,
4 11-20.3, 11-23, or 11-23.5 of the Criminal Code of 1961 or the
5 Criminal Code of 2012; (4) domestic battery or stalking; (5)
6 violation of an order of protection, a civil no contact order,
7 or a stalking no contact order; (6) any misdemeanor which
8 results in death or great bodily harm to the victim; or (7) any
9 violation of Section 9-3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, or Section 11-501 of the Illinois
11 Vehicle Code, or a similar provision of a local ordinance, if
12 the violation resulted in personal injury or death. "Violent
13 crime" includes any action committed by a juvenile that would
14 be a violent crime if committed by an adult. For the purposes
15 of this paragraph, "personal injury" shall include any Type A
16 injury as indicated on the traffic crash ~~accident~~ report
17 completed by a law enforcement officer that requires immediate
18 professional attention in either a doctor's office or medical
19 facility. A type A injury shall include severely bleeding
20 wounds, distorted extremities, and injuries that require the
21 injured party to be carried from the scene.

22 (d) (Blank).

23 (e) "Court proceedings" includes, but is not limited to,
24 the preliminary hearing, any post-arraignment hearing the
25 effect of which may be the release of the defendant from
26 custody or to alter the conditions of bond, change of plea

1 hearing, the trial, any pretrial or post-trial hearing,
2 sentencing, any oral argument or hearing before an Illinois
3 appellate court, any hearing under the Mental Health and
4 Developmental Disabilities Code or Section 5-2-4 of the
5 Unified Code of Corrections after a finding that the defendant
6 is not guilty by reason of insanity, including a hearing for
7 conditional release, any hearing related to a modification of
8 sentence, probation revocation hearing, aftercare release or
9 parole hearings, post-conviction relief proceedings, habeas
10 corpus proceedings and clemency proceedings related to the
11 defendant's conviction or sentence. For purposes of the
12 victim's right to be present, "court proceedings" does not
13 include (1) hearings under Section 109-1 of the Code of
14 Criminal Procedure of 1963, (2) grand jury proceedings, (3)
15 status hearings, or (4) the issuance of an order or decision of
16 an Illinois court that dismisses a charge, reverses a
17 conviction, reduces a sentence, or releases an offender under
18 a court rule.

19 (f) "Concerned citizen" includes relatives of the victim,
20 friends of the victim, witnesses to the crime, or any other
21 person associated with the victim or prisoner.

22 (g) "Victim's attorney" means an attorney retained by the
23 victim for the purposes of asserting the victim's
24 constitutional and statutory rights. An attorney retained by
25 the victim means an attorney who is hired to represent the
26 victim at the victim's expense or an attorney who has agreed to

1 provide pro bono representation. Nothing in this statute
2 creates a right to counsel at public expense for a victim.

3 (h) "Support person" means a person chosen by a victim to
4 be present at court proceedings.

5 (Source: P.A. 99-143, eff. 7-27-15; 99-413, eff. 8-20-15;
6 99-642, eff. 7-28-16; 99-671, eff. 1-1-17; 100-961, eff.
7 1-1-19.)

8 Section 140. The Unified Code of Corrections is amended by
9 changing Sections 5-5-3.2 and 5-8-4 as follows:

10 (730 ILCS 5/5-5-3.2)

11 (Text of Section before amendment by P.A. 101-652)

12 Sec. 5-5-3.2. Factors in aggravation and extended-term
13 sentencing.

14 (a) The following factors shall be accorded weight in
15 favor of imposing a term of imprisonment or may be considered
16 by the court as reasons to impose a more severe sentence under
17 Section 5-8-1 or Article 4.5 of Chapter V:

18 (1) the defendant's conduct caused or threatened
19 serious harm;

20 (2) the defendant received compensation for committing
21 the offense;

22 (3) the defendant has a history of prior delinquency
23 or criminal activity;

24 (4) the defendant, by the duties of his office or by

1 his position, was obliged to prevent the particular
2 offense committed or to bring the offenders committing it
3 to justice;

4 (5) the defendant held public office at the time of
5 the offense, and the offense related to the conduct of
6 that office;

7 (6) the defendant utilized his professional reputation
8 or position in the community to commit the offense, or to
9 afford him an easier means of committing it;

10 (7) the sentence is necessary to deter others from
11 committing the same crime;

12 (8) the defendant committed the offense against a
13 person 60 years of age or older or such person's property;

14 (9) the defendant committed the offense against a
15 person who has a physical disability or such person's
16 property;

17 (10) by reason of another individual's actual or
18 perceived race, color, creed, religion, ancestry, gender,
19 sexual orientation, physical or mental disability, or
20 national origin, the defendant committed the offense
21 against (i) the person or property of that individual;
22 (ii) the person or property of a person who has an
23 association with, is married to, or has a friendship with
24 the other individual; or (iii) the person or property of a
25 relative (by blood or marriage) of a person described in
26 clause (i) or (ii). For the purposes of this Section,

1 "sexual orientation" has the meaning ascribed to it in
2 paragraph (O-1) of Section 1-103 of the Illinois Human
3 Rights Act;

4 (11) the offense took place in a place of worship or on
5 the grounds of a place of worship, immediately prior to,
6 during or immediately following worship services. For
7 purposes of this subparagraph, "place of worship" shall
8 mean any church, synagogue or other building, structure or
9 place used primarily for religious worship;

10 (12) the defendant was convicted of a felony committed
11 while he was released on bail or his own recognizance
12 pending trial for a prior felony and was convicted of such
13 prior felony, or the defendant was convicted of a felony
14 committed while he was serving a period of probation,
15 conditional discharge, or mandatory supervised release
16 under subsection (d) of Section 5-8-1 for a prior felony;

17 (13) the defendant committed or attempted to commit a
18 felony while he was wearing a bulletproof vest. For the
19 purposes of this paragraph (13), a bulletproof vest is any
20 device which is designed for the purpose of protecting the
21 wearer from bullets, shot or other lethal projectiles;

22 (14) the defendant held a position of trust or
23 supervision such as, but not limited to, family member as
24 defined in Section 11-0.1 of the Criminal Code of 2012,
25 teacher, scout leader, baby sitter, or day care worker, in
26 relation to a victim under 18 years of age, and the

1 defendant committed an offense in violation of Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
3 11-14.4 except for an offense that involves keeping a
4 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
5 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
6 or 12-16 of the Criminal Code of 1961 or the Criminal Code
7 of 2012 against that victim;

8 (15) the defendant committed an offense related to the
9 activities of an organized gang. For the purposes of this
10 factor, "organized gang" has the meaning ascribed to it in
11 Section 10 of the Streetgang Terrorism Omnibus Prevention
12 Act;

13 (16) the defendant committed an offense in violation
14 of one of the following Sections while in a school,
15 regardless of the time of day or time of year; on any
16 conveyance owned, leased, or contracted by a school to
17 transport students to or from school or a school related
18 activity; on the real property of a school; or on a public
19 way within 1,000 feet of the real property comprising any
20 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
21 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
22 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
23 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
24 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
25 for subdivision (a)(4) or (g)(1), of the Criminal Code of
26 1961 or the Criminal Code of 2012;

1 (16.5) the defendant committed an offense in violation
2 of one of the following Sections while in a day care
3 center, regardless of the time of day or time of year; on
4 the real property of a day care center, regardless of the
5 time of day or time of year; or on a public way within
6 1,000 feet of the real property comprising any day care
7 center, regardless of the time of day or time of year:
8 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
9 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
10 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
11 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
12 18-2, or 33A-2, or Section 12-3.05 except for subdivision
13 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
14 Criminal Code of 2012;

15 (17) the defendant committed the offense by reason of
16 any person's activity as a community policing volunteer or
17 to prevent any person from engaging in activity as a
18 community policing volunteer. For the purpose of this
19 Section, "community policing volunteer" has the meaning
20 ascribed to it in Section 2-3.5 of the Criminal Code of
21 2012;

22 (18) the defendant committed the offense in a nursing
23 home or on the real property comprising a nursing home.
24 For the purposes of this paragraph (18), "nursing home"
25 means a skilled nursing or intermediate long term care
26 facility that is subject to license by the Illinois

1 Department of Public Health under the Nursing Home Care
2 Act, the Specialized Mental Health Rehabilitation Act of
3 2013, the ID/DD Community Care Act, or the MC/DD Act;

4 (19) the defendant was a federally licensed firearm
5 dealer and was previously convicted of a violation of
6 subsection (a) of Section 3 of the Firearm Owners
7 Identification Card Act and has now committed either a
8 felony violation of the Firearm Owners Identification Card
9 Act or an act of armed violence while armed with a firearm;

10 (20) the defendant (i) committed the offense of
11 reckless homicide under Section 9-3 of the Criminal Code
12 of 1961 or the Criminal Code of 2012 or the offense of
13 driving under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds or any
15 combination thereof under Section 11-501 of the Illinois
16 Vehicle Code or a similar provision of a local ordinance
17 and (ii) was operating a motor vehicle in excess of 20
18 miles per hour over the posted speed limit as provided in
19 Article VI of Chapter 11 of the Illinois Vehicle Code;

20 (21) the defendant (i) committed the offense of
21 reckless driving or aggravated reckless driving under
22 Section 11-503 of the Illinois Vehicle Code and (ii) was
23 operating a motor vehicle in excess of 20 miles per hour
24 over the posted speed limit as provided in Article VI of
25 Chapter 11 of the Illinois Vehicle Code;

26 (22) the defendant committed the offense against a

1 person that the defendant knew, or reasonably should have
2 known, was a member of the Armed Forces of the United
3 States serving on active duty. For purposes of this clause
4 (22), the term "Armed Forces" means any of the Armed
5 Forces of the United States, including a member of any
6 reserve component thereof or National Guard unit called to
7 active duty;

8 (23) the defendant committed the offense against a
9 person who was elderly or infirm or who was a person with a
10 disability by taking advantage of a family or fiduciary
11 relationship with the elderly or infirm person or person
12 with a disability;

13 (24) the defendant committed any offense under Section
14 11-20.1 of the Criminal Code of 1961 or the Criminal Code
15 of 2012 and possessed 100 or more images;

16 (25) the defendant committed the offense while the
17 defendant or the victim was in a train, bus, or other
18 vehicle used for public transportation;

19 (26) the defendant committed the offense of child
20 pornography or aggravated child pornography, specifically
21 including paragraph (1), (2), (3), (4), (5), or (7) of
22 subsection (a) of Section 11-20.1 of the Criminal Code of
23 1961 or the Criminal Code of 2012 where a child engaged in,
24 solicited for, depicted in, or posed in any act of sexual
25 penetration or bound, fettered, or subject to sadistic,
26 masochistic, or sadomasochistic abuse in a sexual context

1 and specifically including paragraph (1), (2), (3), (4),
2 (5), or (7) of subsection (a) of Section 11-20.1B or
3 Section 11-20.3 of the Criminal Code of 1961 where a child
4 engaged in, solicited for, depicted in, or posed in any
5 act of sexual penetration or bound, fettered, or subject
6 to sadistic, masochistic, or sadomasochistic abuse in a
7 sexual context;

8 (27) the defendant committed the offense of first
9 degree murder, assault, aggravated assault, battery,
10 aggravated battery, robbery, armed robbery, or aggravated
11 robbery against a person who was a veteran and the
12 defendant knew, or reasonably should have known, that the
13 person was a veteran performing duties as a representative
14 of a veterans' organization. For the purposes of this
15 paragraph (27), "veteran" means an Illinois resident who
16 has served as a member of the United States Armed Forces, a
17 member of the Illinois National Guard, or a member of the
18 United States Reserve Forces; and "veterans' organization"
19 means an organization comprised of members of which
20 substantially all are individuals who are veterans or
21 spouses, widows, or widowers of veterans, the primary
22 purpose of which is to promote the welfare of its members
23 and to provide assistance to the general public in such a
24 way as to confer a public benefit;

25 (28) the defendant committed the offense of assault,
26 aggravated assault, battery, aggravated battery, robbery,

1 armed robbery, or aggravated robbery against a person that
2 the defendant knew or reasonably should have known was a
3 letter carrier or postal worker while that person was
4 performing his or her duties delivering mail for the
5 United States Postal Service;

6 (29) the defendant committed the offense of criminal
7 sexual assault, aggravated criminal sexual assault,
8 criminal sexual abuse, or aggravated criminal sexual abuse
9 against a victim with an intellectual disability, and the
10 defendant holds a position of trust, authority, or
11 supervision in relation to the victim;

12 (30) the defendant committed the offense of promoting
13 juvenile prostitution, patronizing a prostitute, or
14 patronizing a minor engaged in prostitution and at the
15 time of the commission of the offense knew that the
16 prostitute or minor engaged in prostitution was in the
17 custody or guardianship of the Department of Children and
18 Family Services;

19 (31) the defendant (i) committed the offense of
20 driving while under the influence of alcohol, other drug
21 or drugs, intoxicating compound or compounds or any
22 combination thereof in violation of Section 11-501 of the
23 Illinois Vehicle Code or a similar provision of a local
24 ordinance and (ii) the defendant during the commission of
25 the offense was driving his or her vehicle upon a roadway
26 designated for one-way traffic in the opposite direction

1 of the direction indicated by official traffic control
2 devices;

3 (32) the defendant committed the offense of reckless
4 homicide while committing a violation of Section 11-907 of
5 the Illinois Vehicle Code;

6 (33) the defendant was found guilty of an
7 administrative infraction related to an act or acts of
8 public indecency or sexual misconduct in the penal
9 institution. In this paragraph (33), "penal institution"
10 has the same meaning as in Section 2-14 of the Criminal
11 Code of 2012; or

12 (34) the defendant committed the offense of leaving
13 the scene of a crash ~~an accident~~ in violation of
14 subsection (b) of Section 11-401 of the Illinois Vehicle
15 Code and the crash ~~accident~~ resulted in the death of a
16 person and at the time of the offense, the defendant was:
17 (i) driving under the influence of alcohol, other drug or
18 drugs, intoxicating compound or compounds or any
19 combination thereof as defined by Section 11-501 of the
20 Illinois Vehicle Code; or (ii) operating the motor vehicle
21 while using an electronic communication device as defined
22 in Section 12-610.2 of the Illinois Vehicle Code.

23 For the purposes of this Section:

24 "School" is defined as a public or private elementary or
25 secondary school, community college, college, or university.

26 "Day care center" means a public or private State

1 certified and licensed day care center as defined in Section
2 2.09 of the Child Care Act of 1969 that displays a sign in
3 plain view stating that the property is a day care center.

4 "Intellectual disability" means significantly subaverage
5 intellectual functioning which exists concurrently with
6 impairment in adaptive behavior.

7 "Public transportation" means the transportation or
8 conveyance of persons by means available to the general
9 public, and includes paratransit services.

10 "Traffic control devices" means all signs, signals,
11 markings, and devices that conform to the Illinois Manual on
12 Uniform Traffic Control Devices, placed or erected by
13 authority of a public body or official having jurisdiction,
14 for the purpose of regulating, warning, or guiding traffic.

15 (b) The following factors, related to all felonies, may be
16 considered by the court as reasons to impose an extended term
17 sentence under Section 5-8-2 upon any offender:

18 (1) When a defendant is convicted of any felony, after
19 having been previously convicted in Illinois or any other
20 jurisdiction of the same or similar class felony or
21 greater class felony, when such conviction has occurred
22 within 10 years after the previous conviction, excluding
23 time spent in custody, and such charges are separately
24 brought and tried and arise out of different series of
25 acts; or

26 (2) When a defendant is convicted of any felony and

1 the court finds that the offense was accompanied by
2 exceptionally brutal or heinous behavior indicative of
3 wanton cruelty; or

4 (3) When a defendant is convicted of any felony
5 committed against:

6 (i) a person under 12 years of age at the time of
7 the offense or such person's property;

8 (ii) a person 60 years of age or older at the time
9 of the offense or such person's property; or

10 (iii) a person who had a physical disability at
11 the time of the offense or such person's property; or

12 (4) When a defendant is convicted of any felony and
13 the offense involved any of the following types of
14 specific misconduct committed as part of a ceremony, rite,
15 initiation, observance, performance, practice or activity
16 of any actual or ostensible religious, fraternal, or
17 social group:

18 (i) the brutalizing or torturing of humans or
19 animals;

20 (ii) the theft of human corpses;

21 (iii) the kidnapping of humans;

22 (iv) the desecration of any cemetery, religious,
23 fraternal, business, governmental, educational, or
24 other building or property; or

25 (v) ritualized abuse of a child; or

26 (5) When a defendant is convicted of a felony other

1 than conspiracy and the court finds that the felony was
2 committed under an agreement with 2 or more other persons
3 to commit that offense and the defendant, with respect to
4 the other individuals, occupied a position of organizer,
5 supervisor, financier, or any other position of management
6 or leadership, and the court further finds that the felony
7 committed was related to or in furtherance of the criminal
8 activities of an organized gang or was motivated by the
9 defendant's leadership in an organized gang; or

10 (6) When a defendant is convicted of an offense
11 committed while using a firearm with a laser sight
12 attached to it. For purposes of this paragraph, "laser
13 sight" has the meaning ascribed to it in Section 26-7 of
14 the Criminal Code of 2012; or

15 (7) When a defendant who was at least 17 years of age
16 at the time of the commission of the offense is convicted
17 of a felony and has been previously adjudicated a
18 delinquent minor under the Juvenile Court Act of 1987 for
19 an act that if committed by an adult would be a Class X or
20 Class 1 felony when the conviction has occurred within 10
21 years after the previous adjudication, excluding time
22 spent in custody; or

23 (8) When a defendant commits any felony and the
24 defendant used, possessed, exercised control over, or
25 otherwise directed an animal to assault a law enforcement
26 officer engaged in the execution of his or her official

1 duties or in furtherance of the criminal activities of an
2 organized gang in which the defendant is engaged; or

3 (9) When a defendant commits any felony and the
4 defendant knowingly video or audio records the offense
5 with the intent to disseminate the recording.

6 (c) The following factors may be considered by the court
7 as reasons to impose an extended term sentence under Section
8 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
9 offenses:

10 (1) When a defendant is convicted of first degree
11 murder, after having been previously convicted in Illinois
12 of any offense listed under paragraph (c)(2) of Section
13 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
14 occurred within 10 years after the previous conviction,
15 excluding time spent in custody, and the charges are
16 separately brought and tried and arise out of different
17 series of acts.

18 (1.5) When a defendant is convicted of first degree
19 murder, after having been previously convicted of domestic
20 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
21 (720 ILCS 5/12-3.3) committed on the same victim or after
22 having been previously convicted of violation of an order
23 of protection (720 ILCS 5/12-30) in which the same victim
24 was the protected person.

25 (2) When a defendant is convicted of voluntary
26 manslaughter, second degree murder, involuntary

1 manslaughter, or reckless homicide in which the defendant
2 has been convicted of causing the death of more than one
3 individual.

4 (3) When a defendant is convicted of aggravated
5 criminal sexual assault or criminal sexual assault, when
6 there is a finding that aggravated criminal sexual assault
7 or criminal sexual assault was also committed on the same
8 victim by one or more other individuals, and the defendant
9 voluntarily participated in the crime with the knowledge
10 of the participation of the others in the crime, and the
11 commission of the crime was part of a single course of
12 conduct during which there was no substantial change in
13 the nature of the criminal objective.

14 (4) If the victim was under 18 years of age at the time
15 of the commission of the offense, when a defendant is
16 convicted of aggravated criminal sexual assault or
17 predatory criminal sexual assault of a child under
18 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
19 of Section 12-14.1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

21 (5) When a defendant is convicted of a felony
22 violation of Section 24-1 of the Criminal Code of 1961 or
23 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
24 finding that the defendant is a member of an organized
25 gang.

26 (6) When a defendant was convicted of unlawful use of

1 weapons under Section 24-1 of the Criminal Code of 1961 or
2 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
3 a weapon that is not readily distinguishable as one of the
4 weapons enumerated in Section 24-1 of the Criminal Code of
5 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

6 (7) When a defendant is convicted of an offense
7 involving the illegal manufacture of a controlled
8 substance under Section 401 of the Illinois Controlled
9 Substances Act (720 ILCS 570/401), the illegal manufacture
10 of methamphetamine under Section 25 of the Methamphetamine
11 Control and Community Protection Act (720 ILCS 646/25), or
12 the illegal possession of explosives and an emergency
13 response officer in the performance of his or her duties
14 is killed or injured at the scene of the offense while
15 responding to the emergency caused by the commission of
16 the offense. In this paragraph, "emergency" means a
17 situation in which a person's life, health, or safety is
18 in jeopardy; and "emergency response officer" means a
19 peace officer, community policing volunteer, fireman,
20 emergency medical technician-ambulance, emergency medical
21 technician-intermediate, emergency medical
22 technician-paramedic, ambulance driver, other medical
23 assistance or first aid personnel, or hospital emergency
24 room personnel.

25 (8) When the defendant is convicted of attempted mob
26 action, solicitation to commit mob action, or conspiracy

1 to commit mob action under Section 8-1, 8-2, or 8-4 of the
2 Criminal Code of 2012, where the criminal object is a
3 violation of Section 25-1 of the Criminal Code of 2012,
4 and an electronic communication is used in the commission
5 of the offense. For the purposes of this paragraph (8),
6 "electronic communication" shall have the meaning provided
7 in Section 26.5-0.1 of the Criminal Code of 2012.

8 (d) For the purposes of this Section, "organized gang" has
9 the meaning ascribed to it in Section 10 of the Illinois
10 Streetgang Terrorism Omnibus Prevention Act.

11 (e) The court may impose an extended term sentence under
12 Article 4.5 of Chapter V upon an offender who has been
13 convicted of a felony violation of Section 11-1.20, 11-1.30,
14 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
15 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
16 when the victim of the offense is under 18 years of age at the
17 time of the commission of the offense and, during the
18 commission of the offense, the victim was under the influence
19 of alcohol, regardless of whether or not the alcohol was
20 supplied by the offender; and the offender, at the time of the
21 commission of the offense, knew or should have known that the
22 victim had consumed alcohol.

23 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
24 101-417, eff. 1-1-20; 102-558, eff. 8-20-21.)

25 (Text of Section after amendment by P.A. 101-652)

1 Sec. 5-5-3.2. Factors in aggravation and extended-term
2 sentencing.

3 (a) The following factors shall be accorded weight in
4 favor of imposing a term of imprisonment or may be considered
5 by the court as reasons to impose a more severe sentence under
6 Section 5-8-1 or Article 4.5 of Chapter V:

7 (1) the defendant's conduct caused or threatened
8 serious harm;

9 (2) the defendant received compensation for committing
10 the offense;

11 (3) the defendant has a history of prior delinquency
12 or criminal activity;

13 (4) the defendant, by the duties of his office or by
14 his position, was obliged to prevent the particular
15 offense committed or to bring the offenders committing it
16 to justice;

17 (5) the defendant held public office at the time of
18 the offense, and the offense related to the conduct of
19 that office;

20 (6) the defendant utilized his professional reputation
21 or position in the community to commit the offense, or to
22 afford him an easier means of committing it;

23 (7) the sentence is necessary to deter others from
24 committing the same crime;

25 (8) the defendant committed the offense against a
26 person 60 years of age or older or such person's property;

1 (9) the defendant committed the offense against a
2 person who has a physical disability or such person's
3 property;

4 (10) by reason of another individual's actual or
5 perceived race, color, creed, religion, ancestry, gender,
6 sexual orientation, physical or mental disability, or
7 national origin, the defendant committed the offense
8 against (i) the person or property of that individual;
9 (ii) the person or property of a person who has an
10 association with, is married to, or has a friendship with
11 the other individual; or (iii) the person or property of a
12 relative (by blood or marriage) of a person described in
13 clause (i) or (ii). For the purposes of this Section,
14 "sexual orientation" has the meaning ascribed to it in
15 paragraph (O-1) of Section 1-103 of the Illinois Human
16 Rights Act;

17 (11) the offense took place in a place of worship or on
18 the grounds of a place of worship, immediately prior to,
19 during or immediately following worship services. For
20 purposes of this subparagraph, "place of worship" shall
21 mean any church, synagogue or other building, structure or
22 place used primarily for religious worship;

23 (12) the defendant was convicted of a felony committed
24 while he was on pretrial release or his own recognizance
25 pending trial for a prior felony and was convicted of such
26 prior felony, or the defendant was convicted of a felony

1 committed while he was serving a period of probation,
2 conditional discharge, or mandatory supervised release
3 under subsection (d) of Section 5-8-1 for a prior felony;

4 (13) the defendant committed or attempted to commit a
5 felony while he was wearing a bulletproof vest. For the
6 purposes of this paragraph (13), a bulletproof vest is any
7 device which is designed for the purpose of protecting the
8 wearer from bullets, shot or other lethal projectiles;

9 (14) the defendant held a position of trust or
10 supervision such as, but not limited to, family member as
11 defined in Section 11-0.1 of the Criminal Code of 2012,
12 teacher, scout leader, baby sitter, or day care worker, in
13 relation to a victim under 18 years of age, and the
14 defendant committed an offense in violation of Section
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
16 11-14.4 except for an offense that involves keeping a
17 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
18 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
19 or 12-16 of the Criminal Code of 1961 or the Criminal Code
20 of 2012 against that victim;

21 (15) the defendant committed an offense related to the
22 activities of an organized gang. For the purposes of this
23 factor, "organized gang" has the meaning ascribed to it in
24 Section 10 of the Streetgang Terrorism Omnibus Prevention
25 Act;

26 (16) the defendant committed an offense in violation

1 of one of the following Sections while in a school,
2 regardless of the time of day or time of year; on any
3 conveyance owned, leased, or contracted by a school to
4 transport students to or from school or a school related
5 activity; on the real property of a school; or on a public
6 way within 1,000 feet of the real property comprising any
7 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
9 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
10 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
11 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
12 for subdivision (a)(4) or (g)(1), of the Criminal Code of
13 1961 or the Criminal Code of 2012;

14 (16.5) the defendant committed an offense in violation
15 of one of the following Sections while in a day care
16 center, regardless of the time of day or time of year; on
17 the real property of a day care center, regardless of the
18 time of day or time of year; or on a public way within
19 1,000 feet of the real property comprising any day care
20 center, regardless of the time of day or time of year:
21 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
22 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
24 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
25 18-2, or 33A-2, or Section 12-3.05 except for subdivision
26 (a)(4) or (g)(1), of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (17) the defendant committed the offense by reason of
3 any person's activity as a community policing volunteer or
4 to prevent any person from engaging in activity as a
5 community policing volunteer. For the purpose of this
6 Section, "community policing volunteer" has the meaning
7 ascribed to it in Section 2-3.5 of the Criminal Code of
8 2012;

9 (18) the defendant committed the offense in a nursing
10 home or on the real property comprising a nursing home.
11 For the purposes of this paragraph (18), "nursing home"
12 means a skilled nursing or intermediate long term care
13 facility that is subject to license by the Illinois
14 Department of Public Health under the Nursing Home Care
15 Act, the Specialized Mental Health Rehabilitation Act of
16 2013, the ID/DD Community Care Act, or the MC/DD Act;

17 (19) the defendant was a federally licensed firearm
18 dealer and was previously convicted of a violation of
19 subsection (a) of Section 3 of the Firearm Owners
20 Identification Card Act and has now committed either a
21 felony violation of the Firearm Owners Identification Card
22 Act or an act of armed violence while armed with a firearm;

23 (20) the defendant (i) committed the offense of
24 reckless homicide under Section 9-3 of the Criminal Code
25 of 1961 or the Criminal Code of 2012 or the offense of
26 driving under the influence of alcohol, other drug or

1 drugs, intoxicating compound or compounds or any
2 combination thereof under Section 11-501 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance
4 and (ii) was operating a motor vehicle in excess of 20
5 miles per hour over the posted speed limit as provided in
6 Article VI of Chapter 11 of the Illinois Vehicle Code;

7 (21) the defendant (i) committed the offense of
8 reckless driving or aggravated reckless driving under
9 Section 11-503 of the Illinois Vehicle Code and (ii) was
10 operating a motor vehicle in excess of 20 miles per hour
11 over the posted speed limit as provided in Article VI of
12 Chapter 11 of the Illinois Vehicle Code;

13 (22) the defendant committed the offense against a
14 person that the defendant knew, or reasonably should have
15 known, was a member of the Armed Forces of the United
16 States serving on active duty. For purposes of this clause
17 (22), the term "Armed Forces" means any of the Armed
18 Forces of the United States, including a member of any
19 reserve component thereof or National Guard unit called to
20 active duty;

21 (23) the defendant committed the offense against a
22 person who was elderly or infirm or who was a person with a
23 disability by taking advantage of a family or fiduciary
24 relationship with the elderly or infirm person or person
25 with a disability;

26 (24) the defendant committed any offense under Section

1 11-20.1 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 and possessed 100 or more images;

3 (25) the defendant committed the offense while the
4 defendant or the victim was in a train, bus, or other
5 vehicle used for public transportation;

6 (26) the defendant committed the offense of child
7 pornography or aggravated child pornography, specifically
8 including paragraph (1), (2), (3), (4), (5), or (7) of
9 subsection (a) of Section 11-20.1 of the Criminal Code of
10 1961 or the Criminal Code of 2012 where a child engaged in,
11 solicited for, depicted in, or posed in any act of sexual
12 penetration or bound, fettered, or subject to sadistic,
13 masochistic, or sadomasochistic abuse in a sexual context
14 and specifically including paragraph (1), (2), (3), (4),
15 (5), or (7) of subsection (a) of Section 11-20.1B or
16 Section 11-20.3 of the Criminal Code of 1961 where a child
17 engaged in, solicited for, depicted in, or posed in any
18 act of sexual penetration or bound, fettered, or subject
19 to sadistic, masochistic, or sadomasochistic abuse in a
20 sexual context;

21 (27) the defendant committed the offense of first
22 degree murder, assault, aggravated assault, battery,
23 aggravated battery, robbery, armed robbery, or aggravated
24 robbery against a person who was a veteran and the
25 defendant knew, or reasonably should have known, that the
26 person was a veteran performing duties as a representative

1 of a veterans' organization. For the purposes of this
2 paragraph (27), "veteran" means an Illinois resident who
3 has served as a member of the United States Armed Forces, a
4 member of the Illinois National Guard, or a member of the
5 United States Reserve Forces; and "veterans' organization"
6 means an organization comprised of members of which
7 substantially all are individuals who are veterans or
8 spouses, widows, or widowers of veterans, the primary
9 purpose of which is to promote the welfare of its members
10 and to provide assistance to the general public in such a
11 way as to confer a public benefit;

12 (28) the defendant committed the offense of assault,
13 aggravated assault, battery, aggravated battery, robbery,
14 armed robbery, or aggravated robbery against a person that
15 the defendant knew or reasonably should have known was a
16 letter carrier or postal worker while that person was
17 performing his or her duties delivering mail for the
18 United States Postal Service;

19 (29) the defendant committed the offense of criminal
20 sexual assault, aggravated criminal sexual assault,
21 criminal sexual abuse, or aggravated criminal sexual abuse
22 against a victim with an intellectual disability, and the
23 defendant holds a position of trust, authority, or
24 supervision in relation to the victim;

25 (30) the defendant committed the offense of promoting
26 juvenile prostitution, patronizing a prostitute, or

1 patronizing a minor engaged in prostitution and at the
2 time of the commission of the offense knew that the
3 prostitute or minor engaged in prostitution was in the
4 custody or guardianship of the Department of Children and
5 Family Services;

6 (31) the defendant (i) committed the offense of
7 driving while under the influence of alcohol, other drug
8 or drugs, intoxicating compound or compounds or any
9 combination thereof in violation of Section 11-501 of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance and (ii) the defendant during the commission of
12 the offense was driving his or her vehicle upon a roadway
13 designated for one-way traffic in the opposite direction
14 of the direction indicated by official traffic control
15 devices;

16 (32) the defendant committed the offense of reckless
17 homicide while committing a violation of Section 11-907 of
18 the Illinois Vehicle Code;

19 (33) the defendant was found guilty of an
20 administrative infraction related to an act or acts of
21 public indecency or sexual misconduct in the penal
22 institution. In this paragraph (33), "penal institution"
23 has the same meaning as in Section 2-14 of the Criminal
24 Code of 2012; or

25 (34) the defendant committed the offense of leaving
26 the scene of a crash ~~an accident~~ in violation of

1 subsection (b) of Section 11-401 of the Illinois Vehicle
2 Code and the crash ~~accident~~ resulted in the death of a
3 person and at the time of the offense, the defendant was:
4 (i) driving under the influence of alcohol, other drug or
5 drugs, intoxicating compound or compounds or any
6 combination thereof as defined by Section 11-501 of the
7 Illinois Vehicle Code; or (ii) operating the motor vehicle
8 while using an electronic communication device as defined
9 in Section 12-610.2 of the Illinois Vehicle Code.

10 For the purposes of this Section:

11 "School" is defined as a public or private elementary or
12 secondary school, community college, college, or university.

13 "Day care center" means a public or private State
14 certified and licensed day care center as defined in Section
15 2.09 of the Child Care Act of 1969 that displays a sign in
16 plain view stating that the property is a day care center.

17 "Intellectual disability" means significantly subaverage
18 intellectual functioning which exists concurrently with
19 impairment in adaptive behavior.

20 "Public transportation" means the transportation or
21 conveyance of persons by means available to the general
22 public, and includes paratransit services.

23 "Traffic control devices" means all signs, signals,
24 markings, and devices that conform to the Illinois Manual on
25 Uniform Traffic Control Devices, placed or erected by
26 authority of a public body or official having jurisdiction,

1 for the purpose of regulating, warning, or guiding traffic.

2 (b) The following factors, related to all felonies, may be
3 considered by the court as reasons to impose an extended term
4 sentence under Section 5-8-2 upon any offender:

5 (1) When a defendant is convicted of any felony, after
6 having been previously convicted in Illinois or any other
7 jurisdiction of the same or similar class felony or
8 greater class felony, when such conviction has occurred
9 within 10 years after the previous conviction, excluding
10 time spent in custody, and such charges are separately
11 brought and tried and arise out of different series of
12 acts; or

13 (2) When a defendant is convicted of any felony and
14 the court finds that the offense was accompanied by
15 exceptionally brutal or heinous behavior indicative of
16 wanton cruelty; or

17 (3) When a defendant is convicted of any felony
18 committed against:

19 (i) a person under 12 years of age at the time of
20 the offense or such person's property;

21 (ii) a person 60 years of age or older at the time
22 of the offense or such person's property; or

23 (iii) a person who had a physical disability at
24 the time of the offense or such person's property; or

25 (4) When a defendant is convicted of any felony and
26 the offense involved any of the following types of

1 specific misconduct committed as part of a ceremony, rite,
2 initiation, observance, performance, practice or activity
3 of any actual or ostensible religious, fraternal, or
4 social group:

5 (i) the brutalizing or torturing of humans or
6 animals;

7 (ii) the theft of human corpses;

8 (iii) the kidnapping of humans;

9 (iv) the desecration of any cemetery, religious,
10 fraternal, business, governmental, educational, or
11 other building or property; or

12 (v) ritualized abuse of a child; or

13 (5) When a defendant is convicted of a felony other
14 than conspiracy and the court finds that the felony was
15 committed under an agreement with 2 or more other persons
16 to commit that offense and the defendant, with respect to
17 the other individuals, occupied a position of organizer,
18 supervisor, financier, or any other position of management
19 or leadership, and the court further finds that the felony
20 committed was related to or in furtherance of the criminal
21 activities of an organized gang or was motivated by the
22 defendant's leadership in an organized gang; or

23 (6) When a defendant is convicted of an offense
24 committed while using a firearm with a laser sight
25 attached to it. For purposes of this paragraph, "laser
26 sight" has the meaning ascribed to it in Section 26-7 of

1 the Criminal Code of 2012; or

2 (7) When a defendant who was at least 17 years of age
3 at the time of the commission of the offense is convicted
4 of a felony and has been previously adjudicated a
5 delinquent minor under the Juvenile Court Act of 1987 for
6 an act that if committed by an adult would be a Class X or
7 Class 1 felony when the conviction has occurred within 10
8 years after the previous adjudication, excluding time
9 spent in custody; or

10 (8) When a defendant commits any felony and the
11 defendant used, possessed, exercised control over, or
12 otherwise directed an animal to assault a law enforcement
13 officer engaged in the execution of his or her official
14 duties or in furtherance of the criminal activities of an
15 organized gang in which the defendant is engaged; or

16 (9) When a defendant commits any felony and the
17 defendant knowingly video or audio records the offense
18 with the intent to disseminate the recording.

19 (c) The following factors may be considered by the court
20 as reasons to impose an extended term sentence under Section
21 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
22 offenses:

23 (1) When a defendant is convicted of first degree
24 murder, after having been previously convicted in Illinois
25 of any offense listed under paragraph (c)(2) of Section
26 5-5-3 (730 ILCS 5/5-5-3), when that conviction has

1 occurred within 10 years after the previous conviction,
2 excluding time spent in custody, and the charges are
3 separately brought and tried and arise out of different
4 series of acts.

5 (1.5) When a defendant is convicted of first degree
6 murder, after having been previously convicted of domestic
7 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
8 (720 ILCS 5/12-3.3) committed on the same victim or after
9 having been previously convicted of violation of an order
10 of protection (720 ILCS 5/12-30) in which the same victim
11 was the protected person.

12 (2) When a defendant is convicted of voluntary
13 manslaughter, second degree murder, involuntary
14 manslaughter, or reckless homicide in which the defendant
15 has been convicted of causing the death of more than one
16 individual.

17 (3) When a defendant is convicted of aggravated
18 criminal sexual assault or criminal sexual assault, when
19 there is a finding that aggravated criminal sexual assault
20 or criminal sexual assault was also committed on the same
21 victim by one or more other individuals, and the defendant
22 voluntarily participated in the crime with the knowledge
23 of the participation of the others in the crime, and the
24 commission of the crime was part of a single course of
25 conduct during which there was no substantial change in
26 the nature of the criminal objective.

1 (4) If the victim was under 18 years of age at the time
2 of the commission of the offense, when a defendant is
3 convicted of aggravated criminal sexual assault or
4 predatory criminal sexual assault of a child under
5 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
6 of Section 12-14.1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

8 (5) When a defendant is convicted of a felony
9 violation of Section 24-1 of the Criminal Code of 1961 or
10 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
11 finding that the defendant is a member of an organized
12 gang.

13 (6) When a defendant was convicted of unlawful use of
14 weapons under Section 24-1 of the Criminal Code of 1961 or
15 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
16 a weapon that is not readily distinguishable as one of the
17 weapons enumerated in Section 24-1 of the Criminal Code of
18 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

19 (7) When a defendant is convicted of an offense
20 involving the illegal manufacture of a controlled
21 substance under Section 401 of the Illinois Controlled
22 Substances Act (720 ILCS 570/401), the illegal manufacture
23 of methamphetamine under Section 25 of the Methamphetamine
24 Control and Community Protection Act (720 ILCS 646/25), or
25 the illegal possession of explosives and an emergency
26 response officer in the performance of his or her duties

1 is killed or injured at the scene of the offense while
2 responding to the emergency caused by the commission of
3 the offense. In this paragraph, "emergency" means a
4 situation in which a person's life, health, or safety is
5 in jeopardy; and "emergency response officer" means a
6 peace officer, community policing volunteer, fireman,
7 emergency medical technician-ambulance, emergency medical
8 technician-intermediate, emergency medical
9 technician-paramedic, ambulance driver, other medical
10 assistance or first aid personnel, or hospital emergency
11 room personnel.

12 (8) When the defendant is convicted of attempted mob
13 action, solicitation to commit mob action, or conspiracy
14 to commit mob action under Section 8-1, 8-2, or 8-4 of the
15 Criminal Code of 2012, where the criminal object is a
16 violation of Section 25-1 of the Criminal Code of 2012,
17 and an electronic communication is used in the commission
18 of the offense. For the purposes of this paragraph (8),
19 "electronic communication" shall have the meaning provided
20 in Section 26.5-0.1 of the Criminal Code of 2012.

21 (d) For the purposes of this Section, "organized gang" has
22 the meaning ascribed to it in Section 10 of the Illinois
23 Streetgang Terrorism Omnibus Prevention Act.

24 (e) The court may impose an extended term sentence under
25 Article 4.5 of Chapter V upon an offender who has been
26 convicted of a felony violation of Section 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
2 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
3 when the victim of the offense is under 18 years of age at the
4 time of the commission of the offense and, during the
5 commission of the offense, the victim was under the influence
6 of alcohol, regardless of whether or not the alcohol was
7 supplied by the offender; and the offender, at the time of the
8 commission of the offense, knew or should have known that the
9 victim had consumed alcohol.

10 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
11 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; 101-652, eff.
12 1-1-23; 102-558, eff. 8-20-21.)

13 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

14 Sec. 5-8-4. Concurrent and consecutive terms of
15 imprisonment.

16 (a) Concurrent terms; multiple or additional sentences.
17 When an Illinois court (i) imposes multiple sentences of
18 imprisonment on a defendant at the same time or (ii) imposes a
19 sentence of imprisonment on a defendant who is already subject
20 to a sentence of imprisonment imposed by an Illinois court, a
21 court of another state, or a federal court, then the sentences
22 shall run concurrently unless otherwise determined by the
23 Illinois court under this Section.

24 (b) Concurrent terms; misdemeanor and felony. A defendant
25 serving a sentence for a misdemeanor who is convicted of a

1 felony and sentenced to imprisonment shall be transferred to
2 the Department of Corrections, and the misdemeanor sentence
3 shall be merged in and run concurrently with the felony
4 sentence.

5 (c) Consecutive terms; permissive. The court may impose
6 consecutive sentences in any of the following circumstances:

7 (1) If, having regard to the nature and circumstances
8 of the offense and the history and character of the
9 defendant, it is the opinion of the court that consecutive
10 sentences are required to protect the public from further
11 criminal conduct by the defendant, the basis for which the
12 court shall set forth in the record.

13 (2) If one of the offenses for which a defendant was
14 convicted was a violation of Section 32-5.2 (aggravated
15 false personation of a peace officer) of the Criminal Code
16 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
17 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
18 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
19 offense was committed in attempting or committing a
20 forcible felony.

21 (d) Consecutive terms; mandatory. The court shall impose
22 consecutive sentences in each of the following circumstances:

23 (1) One of the offenses for which the defendant was
24 convicted was first degree murder or a Class X or Class 1
25 felony and the defendant inflicted severe bodily injury.

26 (2) The defendant was convicted of a violation of

1 Section 11-1.20 or 12-13 (criminal sexual assault),
2 11-1.30 or 12-14 (aggravated criminal sexual assault), or
3 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
4 child) of the Criminal Code of 1961 or the Criminal Code of
5 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
6 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
7 5/12-14.1).

8 (2.5) The defendant was convicted of a violation of
9 paragraph (1), (2), (3), (4), (5), or (7) of subsection
10 (a) of Section 11-20.1 (child pornography) or of paragraph
11 (1), (2), (3), (4), (5), or (7) of subsection (a) of
12 Section 11-20.1B or 11-20.3 (aggravated child pornography)
13 of the Criminal Code of 1961 or the Criminal Code of 2012;
14 or the defendant was convicted of a violation of paragraph
15 (6) of subsection (a) of Section 11-20.1 (child
16 pornography) or of paragraph (6) of subsection (a) of
17 Section 11-20.1B or 11-20.3 (aggravated child pornography)
18 of the Criminal Code of 1961 or the Criminal Code of 2012,
19 when the child depicted is under the age of 13.

20 (3) The defendant was convicted of armed violence
21 based upon the predicate offense of any of the following:
22 solicitation of murder, solicitation of murder for hire,
23 heinous battery as described in Section 12-4.1 or
24 subdivision (a)(2) of Section 12-3.05, aggravated battery
25 of a senior citizen as described in Section 12-4.6 or
26 subdivision (a)(4) of Section 12-3.05, criminal sexual

1 assault, a violation of subsection (g) of Section 5 of the
2 Cannabis Control Act (720 ILCS 550/5), cannabis
3 trafficking, a violation of subsection (a) of Section 401
4 of the Illinois Controlled Substances Act (720 ILCS
5 570/401), controlled substance trafficking involving a
6 Class X felony amount of controlled substance under
7 Section 401 of the Illinois Controlled Substances Act (720
8 ILCS 570/401), a violation of the Methamphetamine Control
9 and Community Protection Act (720 ILCS 646/), calculated
10 criminal drug conspiracy, or streetgang criminal drug
11 conspiracy.

12 (4) The defendant was convicted of the offense of
13 leaving the scene of a motor vehicle crash ~~accident~~
14 involving death or personal injuries under Section 11-401
15 of the Illinois Vehicle Code (625 ILCS 5/11-401) and
16 either: (A) aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof under Section 11-501
19 of the Illinois Vehicle Code (625 ILCS 5/11-501), (B)
20 reckless homicide under Section 9-3 of the Criminal Code
21 of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-3), or
22 (C) both an offense described in item (A) and an offense
23 described in item (B).

24 (5) The defendant was convicted of a violation of
25 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
26 death) or Section 12-20.5 (dismembering a human body) of

1 the Criminal Code of 1961 or the Criminal Code of 2012 (720
2 ILCS 5/9-3.1 or 5/12-20.5).

3 (5.5) The defendant was convicted of a violation of
4 Section 24-3.7 (use of a stolen firearm in the commission
5 of an offense) of the Criminal Code of 1961 or the Criminal
6 Code of 2012.

7 (6) If the defendant was in the custody of the
8 Department of Corrections at the time of the commission of
9 the offense, the sentence shall be served consecutive to
10 the sentence under which the defendant is held by the
11 Department of Corrections. If, however, the defendant is
12 sentenced to punishment by death, the sentence shall be
13 executed at such time as the court may fix without regard
14 to the sentence under which the defendant may be held by
15 the Department.

16 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
17 for escape or attempted escape shall be served consecutive
18 to the terms under which the offender is held by the
19 Department of Corrections.

20 (8) If a person charged with a felony commits a
21 separate felony while on pretrial release or in pretrial
22 detention in a county jail facility or county detention
23 facility, then the sentences imposed upon conviction of
24 these felonies shall be served consecutively regardless of
25 the order in which the judgments of conviction are
26 entered.

1 (8.5) If a person commits a battery against a county
2 correctional officer or sheriff's employee while serving a
3 sentence or in pretrial detention in a county jail
4 facility, then the sentence imposed upon conviction of the
5 battery shall be served consecutively with the sentence
6 imposed upon conviction of the earlier misdemeanor or
7 felony, regardless of the order in which the judgments of
8 conviction are entered.

9 (9) If a person admitted to bail following conviction
10 of a felony commits a separate felony while free on bond or
11 if a person detained in a county jail facility or county
12 detention facility following conviction of a felony
13 commits a separate felony while in detention, then any
14 sentence following conviction of the separate felony shall
15 be consecutive to that of the original sentence for which
16 the defendant was on bond or detained.

17 (10) If a person is found to be in possession of an
18 item of contraband, as defined in Section 31A-0.1 of the
19 Criminal Code of 2012, while serving a sentence in a
20 county jail or while in pre-trial detention in a county
21 jail, the sentence imposed upon conviction for the offense
22 of possessing contraband in a penal institution shall be
23 served consecutively to the sentence imposed for the
24 offense in which the person is serving sentence in the
25 county jail or serving pretrial detention, regardless of
26 the order in which the judgments of conviction are

1 entered.

2 (11) If a person is sentenced for a violation of bail
3 bond under Section 32-10 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, any sentence imposed for that
5 violation shall be served consecutive to the sentence
6 imposed for the charge for which bail had been granted and
7 with respect to which the defendant has been convicted.

8 (e) Consecutive terms; subsequent non-Illinois term. If an
9 Illinois court has imposed a sentence of imprisonment on a
10 defendant and the defendant is subsequently sentenced to a
11 term of imprisonment by a court of another state or a federal
12 court, then the Illinois sentence shall run consecutively to
13 the sentence imposed by the court of the other state or the
14 federal court. That same Illinois court, however, may order
15 that the Illinois sentence run concurrently with the sentence
16 imposed by the court of the other state or the federal court,
17 but only if the defendant applies to that same Illinois court
18 within 30 days after the sentence imposed by the court of the
19 other state or the federal court is finalized.

20 (f) Consecutive terms; aggregate maximums and minimums.
21 The aggregate maximum and aggregate minimum of consecutive
22 sentences shall be determined as follows:

23 (1) For sentences imposed under law in effect prior to
24 February 1, 1978, the aggregate maximum of consecutive
25 sentences shall not exceed the maximum term authorized
26 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of

1 Chapter V for the 2 most serious felonies involved. The
2 aggregate minimum period of consecutive sentences shall
3 not exceed the highest minimum term authorized under
4 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
5 V for the 2 most serious felonies involved. When sentenced
6 only for misdemeanors, a defendant shall not be
7 consecutively sentenced to more than the maximum for one
8 Class A misdemeanor.

9 (2) For sentences imposed under the law in effect on
10 or after February 1, 1978, the aggregate of consecutive
11 sentences for offenses that were committed as part of a
12 single course of conduct during which there was no
13 substantial change in the nature of the criminal objective
14 shall not exceed the sum of the maximum terms authorized
15 under Article 4.5 of Chapter V for the 2 most serious
16 felonies involved, but no such limitation shall apply for
17 offenses that were not committed as part of a single
18 course of conduct during which there was no substantial
19 change in the nature of the criminal objective. When
20 sentenced only for misdemeanors, a defendant shall not be
21 consecutively sentenced to more than the maximum for one
22 Class A misdemeanor.

23 (g) Consecutive terms; manner served. In determining the
24 manner in which consecutive sentences of imprisonment, one or
25 more of which is for a felony, will be served, the Department
26 of Corrections shall treat the defendant as though he or she

1 had been committed for a single term subject to each of the
2 following:

3 (1) The maximum period of a term of imprisonment shall
4 consist of the aggregate of the maximums of the imposed
5 indeterminate terms, if any, plus the aggregate of the
6 imposed determinate sentences for felonies, plus the
7 aggregate of the imposed determinate sentences for
8 misdemeanors, subject to subsection (f) of this Section.

9 (2) The parole or mandatory supervised release term
10 shall be as provided in paragraph (e) of Section 5-4.5-50
11 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
12 involved.

13 (3) The minimum period of imprisonment shall be the
14 aggregate of the minimum and determinate periods of
15 imprisonment imposed by the court, subject to subsection
16 (f) of this Section.

17 (4) The defendant shall be awarded credit against the
18 aggregate maximum term and the aggregate minimum term of
19 imprisonment for all time served in an institution since
20 the commission of the offense or offenses and as a
21 consequence thereof at the rate specified in Section 3-6-3
22 (730 ILCS 5/3-6-3).

23 (h) Notwithstanding any other provisions of this Section,
24 all sentences imposed by an Illinois court under this Code
25 shall run concurrent to any and all sentences imposed under
26 the Juvenile Court Act of 1987.

1 (Source: P.A. 102-350, eff. 8-13-21.)

2 Section 145. The Cannabis and Controlled Substances Tort
3 Claims Act is amended by changing Section 2 as follows:

4 (740 ILCS 20/2) (from Ch. 70, par. 902)

5 Sec. 2. Findings and intent.

6 (a) The General Assembly finds that the abuse of cannabis
7 and controlled substances:

8 (1) greatly increases incidents involving crimes of
9 violence and threats of crimes of violence;

10 (2) causes death or severe and often irreversible
11 injuries to newborn children;

12 (3) accounts for the commission of the majority of
13 property crimes committed within this State;

14 (4) causes motor vehicle crashes and job-related, ~~job~~
15 ~~related,~~ and numerous other types of accidents that
16 frequently result in death or permanent injuries;

17 (5) contributes to the disintegration of the family;

18 (6) interferes with the duty of parents and legal
19 guardians to provide for the physical, mental, and
20 emotional well-being of their unemancipated children and
21 with the rights of parents and legal guardians to raise
22 the children free from the physical, mental, and emotional
23 trauma that is caused by the abuse of cannabis and
24 controlled substances;

1 (7) encourages and fosters the growth of urban gangs
2 engaged in violent and nonviolent crime;

3 (8) furthers the interests of elements of organized
4 criminals;

5 (9) increases the dropout, truancy, and failure rates
6 of children attending schools within this State;

7 (10) stifles educational opportunities for both drug
8 users and nonusers;

9 (11) contributes to the unemployment rate within this
10 State;

11 (12) reduces the productivity of employees, retards
12 competitiveness within the established business community,
13 and hinders the formation and growth of new businesses;

14 (13) reduces the value of real property;

15 (14) costs the citizens of this State billions of
16 dollars in federal, State, and local taxes for increased
17 costs for law enforcement, welfare, and education;

18 (15) costs the citizens of this State billions of
19 dollars in increased costs for consumer goods and
20 services, insurance premiums, and medical treatment;

21 (16) hinders citizens from freely using public parks,
22 streets, schools, forest preserves, playgrounds, and other
23 public areas; and

24 (17) contributes to a lower quality of life and
25 standard of living for the citizens of this State.

26 (b) The General Assembly finds that, in light of the

1 findings made in subsection (a), any violation of the Cannabis
2 Control Act, the Methamphetamine Control and Community
3 Protection Act, or the Illinois Controlled Substances Act that
4 involves the nonconsensual use of the real or personal
5 property of another person, whether that person is an
6 individual or a governmental or private entity representing a
7 collection of individuals, is so injurious to the property
8 interests and the well-being of that person that the violation
9 gives rise to a cause of action sounding in tort. The General
10 Assembly also finds that the delivery of a controlled
11 substance or cannabis in violation of the Illinois Controlled
12 Substances Act, the Methamphetamine Control and Community
13 Protection Act, or the Cannabis Control Act to an
14 unemancipated minor under the age of 18 is so injurious to the
15 rights and duties of parents and legal guardians relating to
16 the physical, mental, and emotional well-being of that minor
17 that the violation also gives rise to a cause of action
18 sounding in tort. The General Assembly further finds that
19 although the damage a person suffers through the nonconsensual
20 use of his property to facilitate such a violation or the
21 damage a parent or legal guardian suffers as the result of the
22 delivery to the minor of cannabis or a substance in violation
23 of the Cannabis Control Act, the Methamphetamine Control and
24 Community Protection Act, or the Illinois Controlled
25 Substances Act is often subtle and incapable of precise
26 articulation, that damage is nonetheless real and substantial.

1 It is therefore the intent of the General Assembly to create a
2 cause of action with statutorily prescribed damages for the
3 conduct described in this Act.

4 (Source: P.A. 94-556, eff. 9-11-05.)

5 Section 150. The Crime Victims Compensation Act is amended
6 by changing Section 2 as follows:

7 (740 ILCS 45/2) (from Ch. 70, par. 72)

8 Sec. 2. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 (a) "Applicant" means any person who applies for
11 compensation under this Act or any person the Court of Claims
12 or the Attorney General finds is entitled to compensation,
13 including the guardian of a minor or of a person under legal
14 disability. It includes any person who was a dependent of a
15 deceased victim of a crime of violence for his or her support
16 at the time of the death of that victim.

17 The changes made to this subsection by this amendatory Act
18 of the 101st General Assembly apply to actions commenced or
19 pending on or after January 1, 2022.

20 (b) "Court of Claims" means the Court of Claims created by
21 the Court of Claims Act.

22 (c) "Crime of violence" means and includes any offense
23 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
24 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,

1 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
2 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
3 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
4 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
5 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or
6 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of
7 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
8 the Cemetery Protection Act, Section 125 of the Stalking No
9 Contact Order Act, Section 219 of the Civil No Contact Order
10 Act, driving under the influence as defined in Section 11-501
11 of the Illinois Vehicle Code, a violation of Section 11-401 of
12 the Illinois Vehicle Code, provided the victim was a
13 pedestrian or was operating a vehicle moved solely by human
14 power or a mobility device at the time of contact, and a
15 violation of Section 11-204.1 of the Illinois Vehicle Code; so
16 long as the offense did not occur during a civil riot,
17 insurrection or rebellion. "Crime of violence" does not
18 include any other offense or crash ~~accident~~ involving a motor
19 vehicle except those vehicle offenses specifically provided
20 for in this paragraph. "Crime of violence" does include all of
21 the offenses specifically provided for in this paragraph that
22 occur within this State but are subject to federal
23 jurisdiction and crimes involving terrorism as defined in 18
24 U.S.C. 2331.

25 (d) "Victim" means (1) a person killed or injured in this
26 State as a result of a crime of violence perpetrated or

1 attempted against him or her, (2) the spouse, parent, or child
2 of a person killed or injured in this State as a result of a
3 crime of violence perpetrated or attempted against the person,
4 or anyone living in the household of a person killed or injured
5 in a relationship that is substantially similar to that of a
6 parent, spouse, or child, (3) a person killed or injured in
7 this State while attempting to assist a person against whom a
8 crime of violence is being perpetrated or attempted, if that
9 attempt of assistance would be expected of a reasonable person
10 under the circumstances, (4) a person killed or injured in
11 this State while assisting a law enforcement official
12 apprehend a person who has perpetrated a crime of violence or
13 prevent the perpetration of any such crime if that assistance
14 was in response to the express request of the law enforcement
15 official, (5) a person who personally witnessed a violent
16 crime, (5.05) a person who will be called as a witness by the
17 prosecution to establish a necessary nexus between the
18 offender and the violent crime, (5.1) solely for the purpose
19 of compensating for pecuniary loss incurred for psychological
20 treatment of a mental or emotional condition caused or
21 aggravated by the crime, any other person under the age of 18
22 who is the brother, sister, half brother, or half sister of a
23 person killed or injured in this State as a result of a crime
24 of violence, (6) an Illinois resident who is a victim of a
25 "crime of violence" as defined in this Act except, if the crime
26 occurred outside this State, the resident has the same rights

1 under this Act as if the crime had occurred in this State upon
2 a showing that the state, territory, country, or political
3 subdivision of a country in which the crime occurred does not
4 have a compensation of victims of crimes law for which that
5 Illinois resident is eligible, (7) a deceased person whose
6 body is dismembered or whose remains are desecrated as the
7 result of a crime of violence, or (8) solely for the purpose of
8 compensating for pecuniary loss incurred for psychological
9 treatment of a mental or emotional condition caused or
10 aggravated by the crime, any parent, spouse, or child under
11 the age of 18 of a deceased person whose body is dismembered or
12 whose remains are desecrated as the result of a crime of
13 violence.

14 (e) "Dependent" means a relative of a deceased victim who
15 was wholly or partially dependent upon the victim's income at
16 the time of his or her death and shall include the child of a
17 victim born after his or her death.

18 (f) "Relative" means a spouse, parent, grandparent,
19 stepfather, stepmother, child, grandchild, brother,
20 brother-in-law, sister, sister-in-law, half brother, half
21 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
22 living in the household of a person killed or injured in a
23 relationship that is substantially similar to that of a
24 parent, spouse, or child.

25 (g) "Child" means a son or daughter and includes a
26 stepchild, an adopted child or a child born out of wedlock.

1 (h) "Pecuniary loss" means, in the case of injury,
2 appropriate medical expenses and hospital expenses including
3 expenses of medical examinations, rehabilitation, medically
4 required nursing care expenses, appropriate psychiatric care
5 or psychiatric counseling expenses, appropriate expenses for
6 care or counseling by a licensed clinical psychologist,
7 licensed clinical social worker, licensed professional
8 counselor, or licensed clinical professional counselor and
9 expenses for treatment by Christian Science practitioners and
10 nursing care appropriate thereto; transportation expenses to
11 and from medical and counseling treatment facilities;
12 prosthetic appliances, eyeglasses, and hearing aids necessary
13 or damaged as a result of the crime; costs associated with
14 trafficking tattoo removal by a person authorized or licensed
15 to perform the specific removal procedure; replacement costs
16 for clothing and bedding used as evidence; costs associated
17 with temporary lodging or relocation necessary as a result of
18 the crime, including, but not limited to, the first month's
19 rent and security deposit of the dwelling that the claimant
20 relocated to and other reasonable relocation expenses incurred
21 as a result of the violent crime; locks or windows necessary or
22 damaged as a result of the crime; the purchase, lease, or
23 rental of equipment necessary to create usability of and
24 accessibility to the victim's real and personal property, or
25 the real and personal property which is used by the victim,
26 necessary as a result of the crime; the costs of appropriate

1 crime scene clean-up; replacement services loss, to a maximum
2 of \$1,250 per month; dependents replacement services loss, to
3 a maximum of \$1,250 per month; loss of tuition paid to attend
4 grammar school or high school when the victim had been
5 enrolled as a student prior to the injury, or college or
6 graduate school when the victim had been enrolled as a day or
7 night student prior to the injury when the victim becomes
8 unable to continue attendance at school as a result of the
9 crime of violence perpetrated against him or her; loss of
10 earnings, loss of future earnings because of disability
11 resulting from the injury, and, in addition, in the case of
12 death, expenses for funeral, burial, and travel and transport
13 for survivors of homicide victims to secure bodies of deceased
14 victims and to transport bodies for burial all of which may be
15 awarded up to a maximum of \$10,000 and loss of support of the
16 dependents of the victim; in the case of dismemberment or
17 desecration of a body, expenses for funeral and burial, all of
18 which may be awarded up to a maximum of \$10,000. Loss of future
19 earnings shall be reduced by any income from substitute work
20 actually performed by the victim or by income he or she would
21 have earned in available appropriate substitute work he or she
22 was capable of performing but unreasonably failed to
23 undertake. Loss of earnings, loss of future earnings and loss
24 of support shall be determined on the basis of the victim's
25 average net monthly earnings for the 6 months immediately
26 preceding the date of the injury or on \$2,400 per month,

1 whichever is less or, in cases where the absences commenced
2 more than 3 years from the date of the crime, on the basis of
3 the net monthly earnings for the 6 months immediately
4 preceding the date of the first absence, not to exceed \$2,400
5 per month. If a divorced or legally separated applicant is
6 claiming loss of support for a minor child of the deceased, the
7 amount of support for each child shall be based either on the
8 amount of support pursuant to the judgment prior to the date of
9 the deceased victim's injury or death, or, if the subject of
10 pending litigation filed by or on behalf of the divorced or
11 legally separated applicant prior to the injury or death, on
12 the result of that litigation. Real and personal property
13 includes, but is not limited to, vehicles, houses, apartments,
14 town houses, or condominiums. Pecuniary loss does not include
15 pain and suffering or property loss or damage.

16 The changes made to this subsection by this amendatory Act
17 of the 101st General Assembly apply to actions commenced or
18 pending on or after January 1, 2022.

19 (i) "Replacement services loss" means expenses reasonably
20 incurred in obtaining ordinary and necessary services in lieu
21 of those the injured person would have performed, not for
22 income, but for the benefit of himself or herself or his or her
23 family, if he or she had not been injured.

24 (j) "Dependents replacement services loss" means loss
25 reasonably incurred by dependents or private legal guardians
26 of minor dependents after a victim's death in obtaining

1 ordinary and necessary services in lieu of those the victim
2 would have performed, not for income, but for their benefit,
3 if he or she had not been fatally injured.

4 (k) "Survivor" means immediate family including a parent,
5 stepfather, stepmother, child, brother, sister, or spouse.

6 (l) "Parent" means a natural parent, adopted parent,
7 stepparent, or permanent legal guardian of another person.

8 (m) "Trafficking tattoo" is a tattoo which is applied to a
9 victim in connection with the commission of a violation of
10 Section 10-9 of the Criminal Code of 2012.

11 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
12 102-27, eff. 6-25-21.)

13 Section 155. The Automotive Collision Repair Act is
14 amended by changing Sections 10 and 30 as follows:

15 (815 ILCS 308/10)

16 Sec. 10. Definitions. As used in this Act:

17 "Automotive collision and body repair" means all repairs
18 that are commonly performed by a body repair technician to
19 restore a motor vehicle damaged in a crash ~~an accident~~ or
20 collision to a condition similar to the motor vehicle
21 condition prior to the damage or deterioration including, but
22 not limited to, the diagnosis, installation, exchange, repair,
23 or refinishing of exterior body panels, trim, lighting, and
24 structural chassis. The term does not include commercial fleet

1 repair or maintenance transactions involving 2 or more motor
2 vehicles or ongoing service or maintenance contracts involving
3 motor vehicles used primarily for business purposes.

4 "Automotive collision and body repair facility" means a
5 person, firm, association, or corporation that for
6 compensation engages in the business of cosmetic repair,
7 structural repair, or refinishing of motor vehicles with
8 defect related to crash ~~accident~~ or collision.

9 "New part" means a part or component manufactured or
10 supplied by the original motor vehicle manufacturer in an
11 unused condition.

12 "Used part" means an original motor vehicle manufacturer
13 part or component removed from a motor vehicle of similar
14 make, model, and condition without the benefit of being
15 rebuilt or remanufactured.

16 "Rebuilt part" or "reconditioned part" means a used part
17 that has been inspected and remanufactured to restore
18 functionality and performance.

19 "Aftermarket part" means a new part that is not
20 manufactured or supplied by the original motor vehicle
21 manufacturer for addition to, or replacement of, exterior body
22 panel or trim.

23 (Source: P.A. 93-565, eff. 1-1-04.)

24 (815 ILCS 308/30)

25 Sec. 30. Consumers authorizations of repairs or other

1 actions. After receiving the estimate, the owner or the
2 owner's agent may (i) authorize the repairs at the estimate of
3 cost and time in writing, or (ii) request the return of the
4 motor vehicle in a disassembled state. If the consumer elects
5 the return of the motor vehicle in a disassembled or partially
6 repaired state, the consumer may also request the return of
7 all parts that were removed during disassembly or repair with
8 the exception of parts that were damaged in a crash ~~an accident~~
9 or collision to the extent that retention by the collision
10 repair facility was not feasible. The collision repair
11 facility shall make the motor vehicle available for possession
12 within 3 working days after the time of request. The collision
13 repair facility may receive payment for only those items on
14 the schedule of charges to which the facility is entitled.

15 (Source: P.A. 93-565, eff. 1-1-04.)

16 Section 995. No acceleration or delay. Where this Act
17 makes changes in a statute that is represented in this Act by
18 text that is not yet or no longer in effect (for example, a
19 Section represented by multiple versions), the use of that
20 text does not accelerate or delay the taking effect of (i) the
21 changes made by this Act or (ii) provisions derived from any
22 other Public Act.

23 Section 999. Effective date. This Act takes effect July 1,
24 2023.

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4	5 ILCS 350/2	from Ch. 127, par. 1302
5	15 ILCS 335/11A	
6	20 ILCS 2705/2705-210	was 20 ILCS 2705/49.15
7	20 ILCS 2705/2705-317	
8	20 ILCS 2910/1	from Ch. 127 1/2, par. 501
9	40 ILCS 5/1-108	from Ch. 108 1/2, par. 1-108
10	50 ILCS 705/7	
11	50 ILCS 709/5-5	
12	50 ILCS 727/1-5	
13	50 ILCS 727/1-10	
14	55 ILCS 5/3-3013	from Ch. 34, par. 3-3013
15	55 ILCS 5/5-1182	
16	65 ILCS 5/11-80-9	from Ch. 24, par. 11-80-9
17	215 ILCS 5/143.01	from Ch. 73, par. 755.01
18	215 ILCS 5/143.19	from Ch. 73, par. 755.19
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